

FINAL DRAFT

Westmoreland County, Virginia

**APPLICATION FOR
FEDERAL
NO DISCHARGE ZONE
DESIGNATION**

Submitted to the U.S. Environmental Protection Agency, Region III, by the Commonwealth of Virginia

Bonum Creek, Jackson Creek, Gardner Creek, Ragged Point, Lower
Machodoc Creek, Nomini Creek and Currioman Bay, Mattox Creek, Monroe
Bay, and Rosier Creek*

10 August 2011

* **Rosier Creek** is in both Westmoreland and King George Counties

Purpose and Background Information

Virginia House Bill 1774 (March 27, 2009), codified at 62.1-44.33, has established the tidal creeks of the Commonwealth as *No Discharge Zones*. Virginia House Bill 1943 (March 16, 2011) clarified that *No Discharge Zone* designations shall be premised on the improvement of impaired tidal creeks. Vessels operating in these designated areas may be prohibited from discharging treated and untreated waste into the waters. A *No Discharge Zone* (NDZ) can be established on those tidal creeks where the U.S. Environmental Protection Agency (EPA) has determined that sufficient facilities exist for the removal of sewage.

The designation of NDZs is established by an application process overseen and approved by the EPA. In order to determine the applicability of the requested NDZ designation, each application must include the criteria necessary for EPA review as listed in the "Protecting Coastal Waters from Vessel and Marina Discharges: A Guide for State and Local Officials," www.epa.gov/reg3wapd/nodischarge/index.htm

Prepared by the Northern Neck Planning District Commission for the Virginia Department of Environmental Quality

The Northern Neck Planning District Commission
P.O. Box 1600
Warsaw, Virginia 22572
804.333.1900
www.nnpdc.org



Virginia Department of Environmental Quality
629 East Main Street
P.O. Box 1105
Richmond, VA 23218
804.698.4000
www.deq.virginia.gov



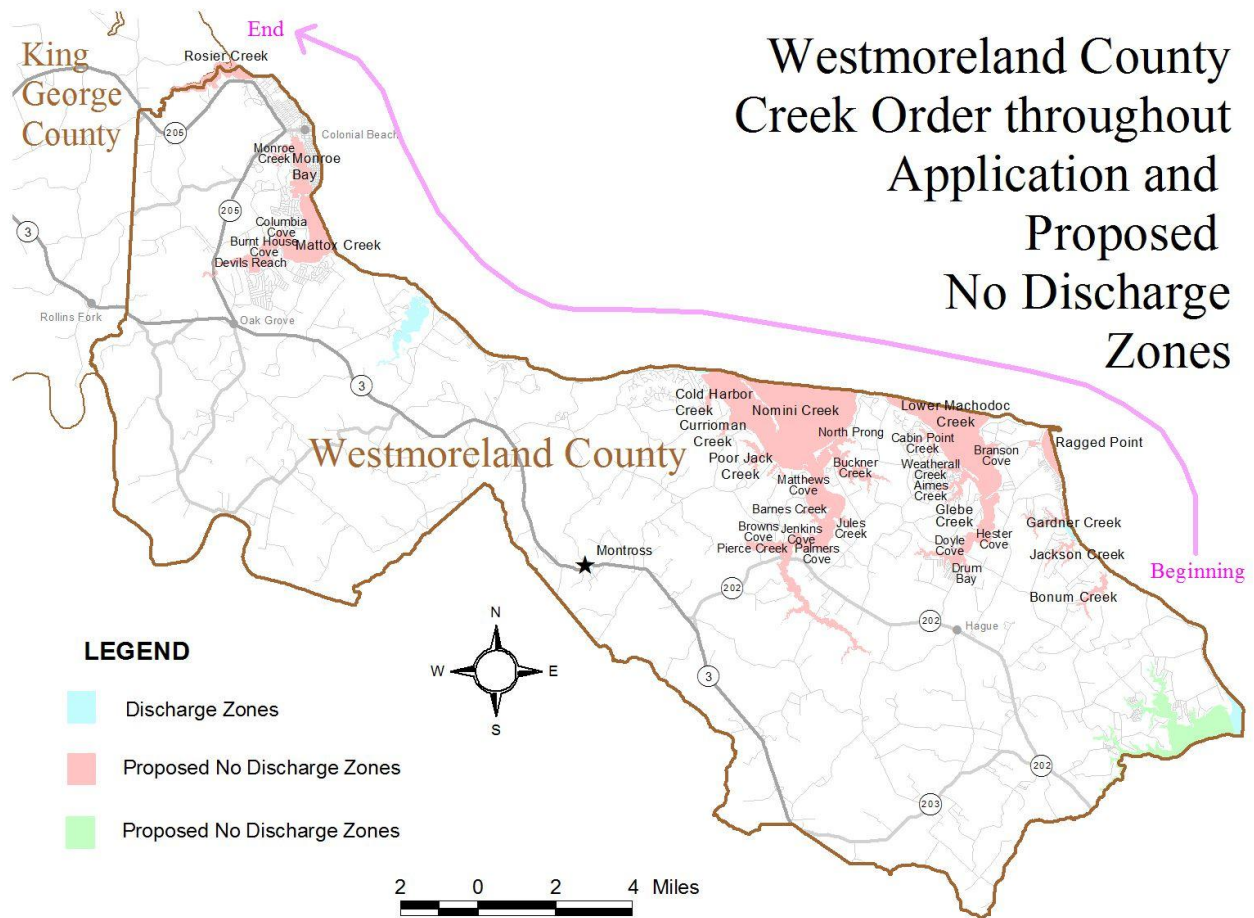
Table of Contents

TABLE OF CONTENTS	3
1. INTRODUCTION	7
1.1 Description of Area & Geographic Location	8
1.2 Discharges	8
1.3 Drainage Areas of Watershed	8
1.4 Shoreline and No Discharge Zone Areal Extent	9
1.5 Water Characteristics	9
1.6 Depth	10
1.7 Certification of Need	10
1.8 Proposed Boundaries of the No Discharge Zone	11
2. RESOURCES AND ENVIRONMENTAL ISSUES	12
2.1 Human Use	12
2.2 Wildlife	12
2.3 Water Quality Issues	13
2.4 Shellfish	14
3. FACILITY INFORMATION	15
3.1 Facility Maintenance	16
3.2 Facility Waste Treatment Method	16
3.3 Number of Vessels and Estimated Number of Facilities Needed	16
3.4 Exclusions Due to Draught Requirements	17
4. ENFORCEMENT, SUPPORT, AND OUTREACH ACTIVITIES	18
4.1 State Regulations	18
4.2 Local Enforcement Capability	18
4.3 Local Public Support and Outreach	19
4.4 Existing Point Source Pollution	19
5. SUMMARY	20
6. MAPS	21
6.1 Bonum Creek – Proposed No Discharge Zone	21
6.2 Jackson and Gardner Creeks – Proposed No Discharge Zone	22
6.3 Ragged Point – Proposed No Discharge Zone	23
6.4 Lower Machodoc Creek – Proposed No Discharge Zone	24
6.5 Nomini Creek – Proposed No Discharge Zone	25
6.6 Mattox Creek and Monroe Bay – Proposed No Discharge Zone	26
6.7 Rosier Creek – Proposed No Discharge Zone	27
6.8 Bonum Creek – Water Depths	28
6.9 Jackson and Gardner Creeks – Water Depths	29
6.10 Ragged Point – Water Depth	30
6.11 Lower Machodoc Creek (North Section, with Cabin Point Creek and Branson Cove) – Water Depth	31
6.12 Lower Machodoc Creek (Middle Section, with Glebe Creek) – Water Depth	32
6.13 Lower Machodoc Creek (South Section, with Hester Cove, Drum Bay, and Doyle Cove) – Water Depth	33
6.14 Buckner Creek (with North Prong) – Water Depth	34
6.15 Nomini Creek (with Matthews Cove, Barnes Creek, and Jules Creek) – Water Depth	35
6.16 Nomini Creek (with Palmers Cove, Pierce Creek, Browns Cove, and Jenkins Cove) – Water Depth	36
6.17 Nomini Creek (with Poor Jack Creek) – Water Depth	37
6.18 Nomini Creek (with Cold Harbor and Currioman Creeks) – Water Depth	38
6.19 Mattox Creek (with Devils Reach, Burnt House Cove, and Columbia Cove – Water Depth	39
6.20 Monroe Bay (with Monroe Creek) – Water Depth	40
6.21 Rosier Creek – Water Depth	41
6.22 Bonum, Gardner, & Jackson Creeks, Ragged Point – Condemned Shellfish Area Map - Case 1	42
6.23 Bonum, Gardner, & Jackson Creeks, Ragged Point – Condemned Shellfish Area Map - Case 2	43

6.24	Bonum, Gardner, & Jackson Creeks, Ragged Point – Condemned Shellfish Area Map - Case 3	44
6.25	Lower Machodoc Creek – Condemned Shellfish Area Map.....	45
6.26	Nomini Creek – Condemned Shellfish Area Map	46
6.27	Poor Jack, Currioman, and Cold Harbor Creeks – Condemned Shellfish Area Map	47
6.28	Mattox Creek and Monroe Bay – Condemned Shellfish Area Map - Case 1	48
6.29	Monroe Bay and Mattox Creek – Condemned Shellfish Area Map - Case 2	49
6.30	Rosier Creek – Condemned Shellfish Area Map.....	50
7. FACILITY REQUIREMENTS WORKSHEET		51
8. REFERENCES.....		52
8.1	Species	52
8.2	Public Support.....	53
8.3	Marine Sanitation Device (MSD) Standard	53
8.4	Virginia House Bill 1774	55
8.5	Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings	56
8.6	Additional References and Sources	58
8.7	Virginia Department of Health Certificate for Mooring Facility	60
9. PUBLIC MEETING.....		67
9.1	Public Meeting & Comments.....	67

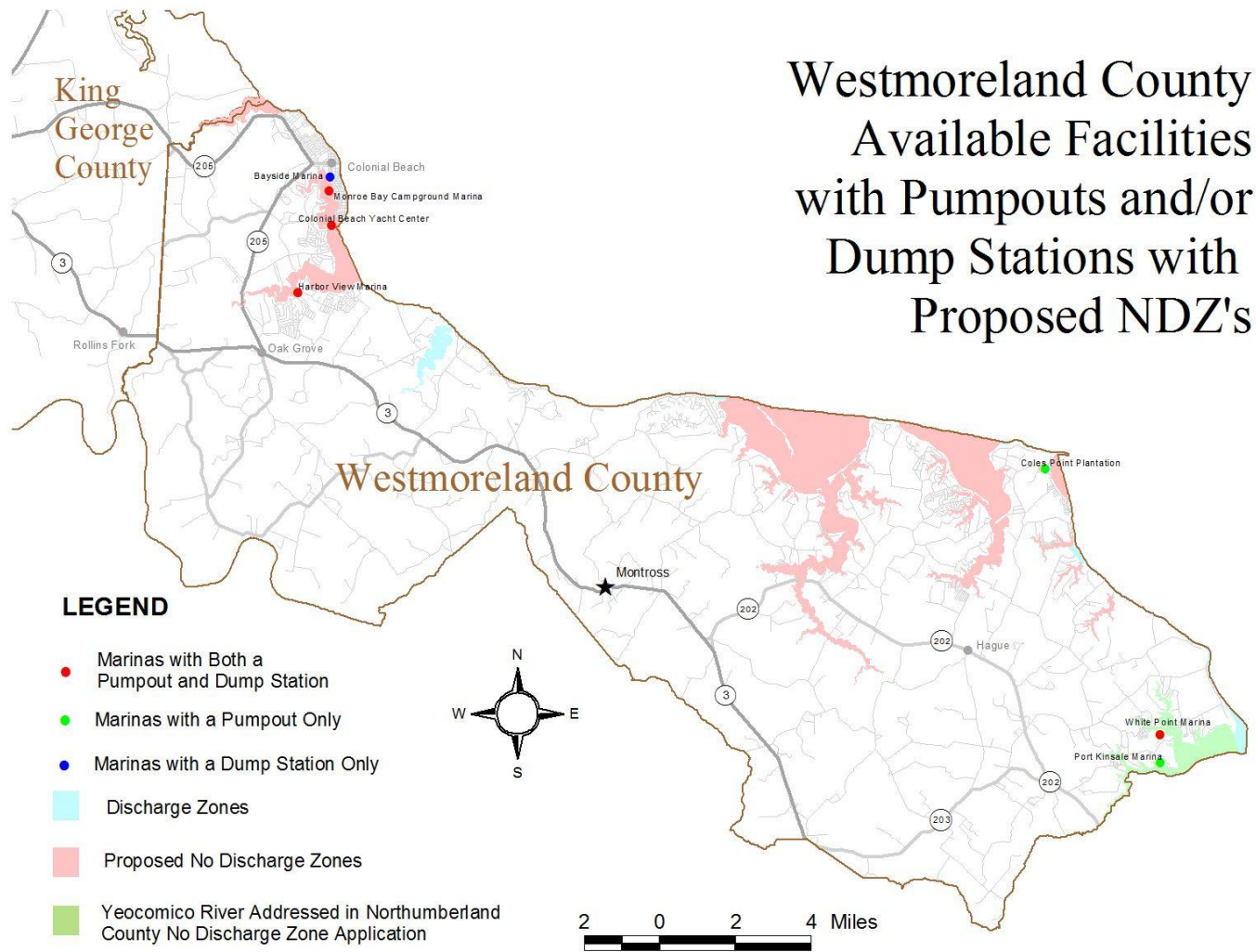
APPLICATION FOR FEDERAL *NO DISCHARGE ZONE* DESIGNATION

Submitted to the U.S. Environmental Protection Agency, Region III, by the Commonwealth of Virginia



Source: Northern Neck Planning District Commission

Westmoreland County Available Facilities with Pumpouts and/or Dump Stations with Proposed NDZ's



Source: Northern Neck Planning District Commission

APPLICATION FOR FEDERAL NO DISCHARGE ZONE DESIGNATION

Submitted to the U.S. Environmental Protection Agency, Region III, by the Commonwealth of Virginia

Date of Submission: ***TBA***

Bodies of Water Affected:

The order of creeks listed progresses from the Northumberland/Westmoreland county border, up the Chesapeake Bay and up along the Potomac River to the Westmoreland/King George county border, in counter-clockwise fashion (Reference Map: Page 5). This order is maintained throughout the application.

1. Bonum Creek
2. Jackson Creek
3. Gardner Creek
4. Ragged Point
5. Lower Machodoc Creek (Branson Cove, Hester Cove, Drum Bay, Doyle Cove, Glebe Creek, Aimes Creek, Weatherall Creek, Cabin Point Creek)
6. Nomini Creek and Currioman Bay (North Prong of Buckner Creek, Buckner Creek, Jules Creek, Palmers Cove, Pierce Creek, Browns Cove, Jenkins Cove, Barnes Creek, Matthews Cove, Poor Jack Creek, Currioman Creek, Cold Harbor Creek)
7. Mattox Creek (Devils Reach, Burnt House Cove, Columbia Cove)
8. Monroe Bay (Monroe Creek)
9. Rosier Creek

Within this application, when the numbered creeks named above are used, the tributaries that appear in parenthesis are automatically included.

Location: Westmoreland and King George Counties, Virginia

1. INTRODUCTION

The establishment of No Discharge Zones is one of the water-quality improvement strategies adopted under the 2000 Chesapeake Bay Agreement. More specifically, Virginia House Bill 1774 (March 27, 2009) reenacted and amended section 62.1-44.33 of the Code of Virginia to establish all tidal creeks of the Commonwealth as No Discharge Zones; zones where vessels may be prohibited from discharging treated or untreated waste into the waters. Virginia House Bill 1943 (March 16, 2011) reenacted section 62.1-44.33 and amended it to clarify that a No Discharge Zone designation is premised on the improvement of impaired tidal creeks.

Because the final decision on whether a creek becomes a No Discharge Zone rests with the U.S. Environmental Protection Agency, this application submits pertinent data to help the EPA make that decision regarding the subject state waters.

1.1 Description of Area & Geographic Location

All of the subject waters are rural watersheds in Virginia's Coastal Plain, on the Northern Neck peninsula, and in Westmoreland County (with the exception of Rosier Creek, which straddles Westmoreland and King George Counties). All waters drain to the Chesapeake Bay via the Potomac River.

- **Bonum Creek:** Includes all contiguous waters upstream of the line formed between the points with coordinates 38°05'43.856"N, 76° 34'55.280"W and 38°05'44.698"N, 76°34'56.029"W
- **Jackson Creek:** Includes all contiguous waters upstream of the line formed between the points with coordinates 38°06'23.930"N, 76° 35'49.781"W and 38°06'24.518"N, 76°35'50.771"W
- **Gardner Creek:** Includes all contiguous waters upstream of the line formed between the points with coordinates 38°06'45.720"N, 76° 36'15.494"W and 38°06'47.653"N, 76°36'09.756"W
- **Ragged Point:** Along the Virginia-Maryland state line, from 38° 08' 52.417"N, 76° 36' 41.108"W and 38° 07' 46.951"N, 76° 36' 17.362"W in the Potomac River
- **Lower Machodoc Creek:** Includes all contiguous waters upstream of the line formed between the points with coordinates 38°08'53.191"N, 76° 38'37.748"W and 38°08'49.960"N, 76°39'54.711"W
- **Nomini Creek and Currioman Bay:** Includes all contiguous waters upstream of the line formed between the points with coordinates 38°09'35.039"N, 76°42'07.510"W and 38°09'59.702"N, 76°46'18.516"W
- **Mattox Creek:** Includes all contiguous waters upstream of the line formed between the points with coordinates 38°09'24.972"N, 76°57'20.533"W and 38°12'27.899" N 76°57'41.417"W
- **Monroe Bay:** The headwaters are rural/residential, while the lower part is urban/high-intensity residential (Town of Colonial Beach). It drains to the Chesapeake Bay and includes all contiguous waters upstream of the line formed between the points with coordinates 38°12'33.027"N, 76°57'20.533"W and 38°13'51.883" N 76°57'41.417"W
- **Rosier Creek:** Includes all contiguous waters upstream of the line formed between the points with coordinates 38°16'26.673"N, 76°59'25.339"W and 38°16'51.924" N 77°07'00.270"W

1.2 Discharges

- **Bonum Creek:** North into the Potomac River
- **Jackson Creek:** East into the Potomac River
- **Gardner Creek:** East into the Potomac River
- **Ragged Point:** Part of the Potomac River
- **Lower Machodoc Creek:** North into the Potomac River
- **Nomini Creek and Currioman Bay:** North into the Potomac River
- **Mattox Creek:** East into the Potomac River
- **Monroe Bay:** East into the Potomac River
- **Rosier Creek:** East into the Potomac River

1.3 Drainage Areas of Watershed

- **Bonum Creek:** The drainage area is 3,207 acres or 5.01 square miles
- **Jackson Creek:** The drainage area is 2,312 acres or 3.61 square miles
- **Gardner Creek:** The drainage area is 1,502 acres or 2.34 square miles
- **Ragged Point:** The drainage area is 813 acres or 1.27 square miles
- **Lower Machodoc Creek:** The drainage area is 11,105 acres or 17.35 square miles.
- **Nomini Creek and Currioman Bay:** The drainage area is 32,213 acres or 50.33 square miles

- **Mattox Creek and Monroe Bay:** The drainage area is 15,253 acres or 23.82 square miles
- **Rosier Creek:** The drainage area is 12,081 acres or 18.87 square miles

1.4 Shoreline and No Discharge Zone Areal Extent

Rationale for choosing the boundaries of the proposed No Discharge Zones:

For the most part, boundaries have been placed at the mouth of each creek.. In these, boundaries are based on worst-case shellfish condemnations by the Virginia Department of Health, and topological configurations that can be easily identified by boaters (i.e. points, landmarks, etc.).

- **Bonum Creek:** Approximately 6.63 miles, or 35,055 feet, of shoreline; and approximately 0.20 square miles, or 133 acres, of NDZ aerial extent.
- **Jackson Creek:** Approximately 5.69 miles, or 30,082 feet, of shoreline; and approximately 0.14 square miles, or 89 acres, of NDZ aerial extent.
- **Gardner Creek:** Approximately 6.16 miles, or 35,553 feet, of shoreline; and approximately 0.19 square miles, or 125 acres, of NDZ aerial extent.
- **Ragged Point:** Approximately 3.67 miles, or 19,424 feet, of shoreline; and approximately 0.29 square miles, or 187 acres, of NDZ aerial extent.
- **Lower Machodoc Creek:** Approximately 36.88 miles, or 194,748 feet, of shoreline; and approximately 3.81 square miles, or 2,438 acres, of NDZ aerial extent.
- **Nomini Creek and Currioman Bay:** Approximately 70.78 miles, or 373,823 feet, of shoreline; and approximately 8.78 square miles, or 5,625 acres, of NDZ aerial extent.
- **Mattox Creek, Monroe Creek and Monroe Bay:** Approximately 22.94 miles, or 121,140 feet, of shoreline; and approximately 2.39 square miles, or 1533 acres, of NDZ aerial extent.
- **Rosier Creek:** Approximately 9.05 miles, or 47,805 feet, of shoreline; and approximately 0.63 square miles, or 409 acres, of NDZ aerial extent.

1.5 Water Characteristics

All waterbodies listed are subject to the action of tides and annual rainfall.

- **Bonum Creek:** Mesohaline (10.1 to 12.5 ppt salinity).
- **Jackson Creek:** Mesohaline (10.1 to 12.5 ppt salinity).
- **Gardner Creek:** Mesohaline (10.1 to 12.5 ppt salinity).
- **Ragged Point:** Mesohaline (10.1 to 12.5 ppt salinity).
- **Branson Lower Machodoc Creek:** Mesohaline (10.1 to 12.5 ppt salinity).
- **Nomini Creek and Currioman Bay:** Mesohaline (10.1 to 12.5 ppt salinity).
- **Mattox Creek:** Mesohaline (5.1 to 7.5 ppt salinity).
- **Monroe Bay:** Mesohaline (5.1 to 7.5 ppt salinity).
- **Rosier Creek:** Mesohaline (5.1 to 7.5 ppt salinity).

Sources: <http://www.chesapeakebay.net/mapsearchresults.aspx?menuitem=14873> and The Virginia Department of Environmental Quality (DEQ)

1.6 Depth

Visual Reference: maps 6.8 to 6.21

- **Bonum Creek:** A maximum depth of 4 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 9 feet.
- **Jackson Creek:** A maximum depth of 4 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 4 feet.
- **Gardner Creek:** A maximum depth of 4 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 6 feet.
- **Ragged Point:** A maximum depth of 11 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 11 feet.
- **Lower Machodoc Creek:** A maximum depth of 14 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 11 feet.
 - **Branson Cove:** A maximum depth of 6 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 6 feet.
 - **Glebe Creek:** A maximum depth of 7 feet at its widest section next to very shallow banks. The rest of the creek alternates between 2 and 6 feet.
 - **Cabin Point Creek:** Very shallow, maximum depth of 1 foot.
- **Nomini Creek and Currioman Bay:** A maximum depth of 27 feet at its widest section next to very shallow banks. The rest of the creek alternates between 2 and 19 feet.
 - **Buckner Creek:** A maximum depth of 8 feet at its widest section next to very shallow banks. The rest of the creek alternates between 2 and 7 feet.
 - **Poor Jack Creek:** A maximum depth of 4 feet at its widest section next to very shallow banks. The rest of the creek alternates between one half and 3 feet.
 - **Currioman Creek:** A maximum depth of 4 feet at its widest section next to very shallow banks. The rest of the creek alternates between 2 and 4 feet.
 - **Cold Harbor Creek:** A maximum depth of 4 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 3 feet.
- **Mattox Creek:** A maximum depth of 13 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 12 feet.
- **Monroe Bay:** A maximum depth of 13 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 12 feet.
- **Rosier Creek:** A maximum depth of 6 feet at its widest section next to very shallow banks. The rest of the creek alternates between 1 and 5 feet.

1.7 Certification of Need

The tidal tributaries detailed herein need greater protection than the current federal standards afford. With the exception of some wider sections at the mouths of these tributaries, the shellfishing use of these waters has been or currently is compromised by bacterial impairment, which causes the tributaries not to meet state water-quality standards. While terrestrial pollution is a threat to these marine natural resources, vessel pollution is direct and proximate to oyster grounds, and therefore may have a more immediate impact on local water quality.

In accordance with the Code of Federal Regulations—40 CFR §140.4(a)—this application requests that the U.S. Environmental Protection Agency (EPA) determine that “adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels using such waters are reasonably available,” and that approval of a No Discharge Zone for the subject waters be granted.

Given approval from EPA, the Commonwealth of Virginia intends to prohibit all vessel sewage discharges, whether treated or untreated, into the No Discharge Zone proposed by this application. The NDZ designation will not apply to graywater vessel discharges in the affected areas, provided the graywater discharge system is independent from the sewage system (i.e., no shared tanks, pipes, pumps, or valves). The following pages document the environmental status of the watersheds. They also document that adequate sewage-removal facilities are available to justify a No Discharge Zone designation.

1.8 Proposed Boundaries of the No Discharge Zone

Visual Reference: maps 6.1 to 6.13, starting on page 21

- **Bonum Creek:** All contiguous waters upstream of the line formed between the points with coordinates 38°05'43.975"N, 76° 34'55.151"W and 38°05'44.561"N, 76°34'55.918"W
- **Jackson Creek:** All contiguous waters upstream of the line formed between the points with coordinates 38°06'24.125"N, 76° 35'49.723"W and 38°06'24.589"N, 76°35'50.638"W
- **Gardner Creek:** All contiguous waters upstream of the line formed between the points with coordinates 38°06'47.577"N, 76° 36'09.545"W and 38°06'45.707"N, 76°36'15.539"W
- **Ragged Point:** All contiguous waters upstream of the Virginia state line, formed between the points with coordinates 38°07'46.951"N, 76° 36'17.362"W and 38°08'52.417"N, 76°36'41.108"W
- **Lower Machodoc Creek:** All contiguous waters upstream of the Virginia state line, formed between the points with coordinates 38°09'04.972"N, 76°38'21.452"W and 38°09'32.747"N, 76°41'16.825"W
- **Nomini Creek and Currioman Bay:** All contiguous waters upstream of the Virginia state line, formed between the points with coordinates 38°09'35.039"N, 76°42'07.510"W and 38°09'59.702"N, 76°46'18.516"W
- **Mattox Creek and Monroe Bay:** All contiguous waters upstream of the Virginia state line, formed between the points with coordinates 38°12'29.925"N, 76° 56'58.381"W and 38°13'51.889"N, 76°57'40.068"W
- **Rosier Creek:** All contiguous waters upstream of the line formed between the points with coordinates 38°16'26.814"N, 76° 59'24.628"W and 38°16'51.810"N, 77°00'07.212"W

2. RESOURCES AND ENVIRONMENTAL ISSUES

All of the water bodies considered in this NDZ application are tributaries within the Chesapeake Bay (the “Bay”) drainage. The Bay is one of the largest estuarine systems in the United States, and one of the nation’s most valuable natural resources.

2.1 Human Use

- **Development within Watersheds**

The drainage area of each of the water bodies included in this application has a number of addressed structures built on it. They are known as E911 building structures (2010 E911). Assuming, conservatively, that all these structures are residences, and that the number of persons per household is the 2010 US Census average for Westmoreland County (2.38), this translates into an estimated population indicated for each water body. Because many of the homes are part-time or vacation homes, the population cited should be considered a maximum population during warmer months.

- **Bonum Creek:** 143 E911 Structures, estimated population of 340
- **Jackson Creek:** 91 E911 Structures, estimated population of 217
- **Gardner Creek:** 126 E911 Structures, estimated population of 300
- **Ragged Point:** 213 E911 Structures, estimated population of 507
- **Lower Machodoc Creek:** 922 E911 Structures, estimated population of 2,194
- **Nomini Creek and Currioman Bay:** 1,150 E911 Structures, and an estimated population of 2,737
- **Mattox Creek:** 1,142 E911 Structures, estimated population of 2,718
- **Monroe Bay:** 550 E911 Structures, estimated population of 1,309
- **Rosier Creek:** 125 E911 Structures, estimated population of 298

- **Publicly-Owned Launch Access in Westmoreland County**

- **Bonum Creek Landing (Bonum Creek):** Boat ramp and large parking
- **Branson Cove Boat Ramp (Machodoc Creek):** Boat ramp
- **Currioman Landing (Currioman Creek/Bay):** Boat ramp (shallow) and parking

- **Activities**

- Boating, fishing, shellfish harvesting, crabbing, water skiing, and swimming. Transient recreational vessels use these creeks for rest and re-fitting, anchorage, mooring, and other services while transiting the Potomac River and the Chesapeake Bay, whose waters are plied by vessels of all sizes and types, including sailing vessels, motor yachts, commercial tugs, fishing vessels, personal watercraft, canoes, kayaks, and skiffs.

2.2 Wildlife

Several water-dependent species utilize these waters. The following is an excerpt of the list found in Section 8.1, which includes select species (common and threatened or endangered).

- **Fish:** Croaker, Spot, Gray Trout, Red Drum, and Flounder. Also found: migrating populations of hickory and American shad, striped bass, alewife, yellow perch, short-nose sturgeon and Atlantic sturgeon, and other anadromous fish.
- **Mammals:** River otter and muskrat.
- **Marine mammals:** Bottlenose dolphins utilize the deeper portions of these waterbodies, as well as Harbor Porpoises.
- **Reptiles:** Kemps-Ridley, loggerhead and green sea turtles.
- **Avian:** Ospreys, bald eagles, egrets, cormorants, kingfishers, gulls, herons, loons, various species of ducks, and other migratory and resident species.
- **Shellfish:** Oysters and mussels

2.3 Water Quality Issues

- **Total Maximum Daily Load (TMDL) & Bacterial Impairments:** The following water bodies proposed as No Discharge Zones in this application have been or are currently listed on the 303(d) list of impaired waters for exceedances of bacteria water-quality standards for shellfish use.

NDZ (Name)	Watershed TMDL Status	County
Gardener, Jackson and Bonun Creeks	Approved	Westmoreland
Lower Machodoc Creek Watershed	Approved	Westmoreland
Nomini Creek Watershed	Approved	Westmoreland
Mattox Creek Freshwater and Shellfish	Approved	Westmoreland
Monroe Creek Watershed	Approved	Westmoreland
Rosier Creek Watershed	Approved	Westmoreland

Source: Virginia DEQ

- **Dissolved Oxygen:** All waters included in the proposed NDZ areas are listed as impaired by the 2006 VA DEQ Water Quality Assessment for Dissolved Oxygen. Additionally, all waters of the Potomac River and the Chesapeake Bay and its tributaries are listed as impaired due to excess nutrients. As a result of these impairments, EPA completed and approved the Chesapeake Bay TMDL (12/29/2010).
- **Aquatic Plants (macrophytes):** All waters included in the proposed NDZ area are listed as impaired for aquatic plants. As a result of these impairments, EPA completed and approved the Chesapeake Bay TMDL (12/29/2010).
- **Monitoring:** The Virginia Department of Health's Division of Shellfish Sanitation (VDH-DSS) operates an extensive bacteria-monitoring network in these waters and other designated shellfish waters in the Commonwealth. The VDH-DSS monitoring indicates that the subject waters routinely fail to meet water-quality standards for shellfish and are cited with seasonal and/or annual condemnations (Maps 6.22 to 6.30). The Virginia Department of Environmental Quality also maintains a long-standing monitoring program in these waters, including portions of the Chesapeake Bay. Parameters measured include chemical and bacteriological data that are analyzed at fixed stations.

Although many sources potentially contribute to declining water quality in these waters, discharges from vessels anchored, docked, moored, or operating within them have the potential to be contributory sources to the overall bacteria load.

Per federal regulations, sanitary wastewater discharged from boats may be relatively concentrated, with a range of fecal coliform from 200 to more than 1,000 Most Probable Number (MPN) per 100 milliliters of water. In addition, the average marine sanitation device is not designed to provide treatment for chemical or biological oxygen demand (BOD), phosphorus, or nitrogen.

**Typical Chemical Constituents Measured in
Recreational Vessel's Holding Tanks**

Chemical Procedure	Unit	Result	Report Limit
BOD	mg/l	2,800	2
COD	mg/l	5,000	25
TKN	mg/l	2,290	.50
Total P	mg/l	113	.20
Fecal Coliform	FC/100 ml	29,000,000	ND

Source: Lynnhaven Boat Wastewater Sampling Program. January 7, 2008

Depending on the type of MSD, wastewater discharges from marine vessels may also contain additional pollutants, such as protozoa (e.g., *giardia*), viruses (e.g., *norovirus*), and deodorants or sanitizing chemicals (e.g., formaldehyde) that are potentially harmful to humans, wildlife, and the environment. See *Marine Sanitation Device (MSD) Standards*, Section 8.3, Page 53. There are some advanced treatment systems which can minimize the BOD and/or the pollutants mentioned here. It is unknown how many of these systems are installed on boats within these waterways and as with any MSD, the effectiveness of these systems are dependent upon proper maintenance and adequate competency of the individual operating it.

2.4 Shellfish

The current shellfish standard for fecal coliform bacteria allows for a maximum geometric mean of 14 per 100 milliliters (ml) of water and a 90th percentile not to exceed 49 MPN/100ml over a 30-month period. Under this standard, the water-quality data from VDH-DSS monitoring indicates that significant areas of the subject waters in this application failed to meet the National Shellfish Sanitation Standard for fecal coliform bacteria (Maps 6.22 to 6.30).

Condemnation under the DSS classification means it is “unlawful for any person, firm, or corporation to take shellfish from these sections for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the Code of Virginia.”

The condemnation is put into effect based on the potential threat to human health resulting from contaminated shellfish consumption. While terrestrial pollution is a threat to these marine natural resources, vessel pollution is direct and proximate to oyster grounds, and therefore may have a more immediate impact on local water quality. Trends over the past decade have shown that bacteria levels in these waters are increasing, resulting in expanded shellfish condemnations.

Reasons for the expansion of shellfish condemnations include increases in shoreline development and impervious surfaces, decreases in protective riparian buffers, old or malfunctioning septic systems, and increased boating activity. Bacterial source-tracking (BST) data collected as a component of the Shellfish TMDLs for the subject waters suggest that, averaged annually, approximately between 3% (Jackson Creek) and 35% percent (Pierce Creek—tributary to Nomini Creek) of the fecal bacteria in these waters were of human origin. Other sources include wildlife, pets, and livestock.

3. FACILITY INFORMATION

The Virginia Department of Health (VDH) ensures the presence of proper sanitary facilities at marinas. Standards are set forth in the *Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings*, and marina facilities are inspected annually by VDH for compliance with the regulations (See Section 8.5, Page 56). The following sanitary facilities are currently available within the proposed No Discharge Zone (Maps 6.1 to 6.7):

Marinas Open to the Public							
Name and Location	Contact Person	Date & Time of Survey	Hours of Operation	Dump Station	Pumpout	Cost	Depth at Facility
Coles Point Plantation Marina 307 Plantation Drive Coles Point, VA 22442 38.143082, -76.614534 Ragged Point	Teresa Saunders (804) 472-3955	3/18/11; 12:35pm	9-5 m, th, f, s, s, off season; 8:30-5 on season	N	Y	\$10	~6'
Port Kinsale Marina 347 Allen Point Lane Kinsale, VA 22488 38.01.889, -76.33.455 Yeocomico River	Marybeth Mullins (804) 472-2044	3/18/11 12:00am	8:30-4:30 M-F, off season 8:30- 4:30 all week on season	N	Y	\$5	6'
Bayside Marina 11 Monroe Bay Avenue Colonial Beach, VA 22443 38.248938, -76.966321 Monroe Bay	Leo Moore (804) 224-7570	Visited 3/4/11, survey by phone, 3/7/11, 2:15pm	Friday, Sat, Sunday, 12-5 (May- September)	Y	N	No cost	n/a
Colonial Beach Yacht Center 1787 Castlewood Drive Colonial Beach, VA 22443 38.231730, -76.961592 Monroe Bay	Kyle Schick (804) 224-7230	3/4/11; 1pm	10am-4pm Closed Tuesdays Weekend Hours:12	Y	Y	\$5	5'
Harbor View Marina 277 Harbor View Circle Colonial Beach, VA 22443 38.206846, -76.977782 Mattox Creek	Andrew Stepp (804) 224-9265	3/4/11; 1:30pm	9am-5pm Weekend Hours: 16	Y	Y	\$5	8'
Monroe Bay Marina 551 Lafayette Street Colonial Beach, VA 22443 38.243230, -76.966301 Monroe Bay	Rusty Curley (804) 224-7544	3/4/11; 3:25pm	8am-8pm Weekend Hours: 24	Y	Y	No cost	6'
White Point Marina 175 Marina Drive Kinsale, VA 22488-2307 38.041700, -76.557638 Yeocomico River	Robert Redfearn (804) 472-2977	3/18/2011 11:45am	7:30 -4 M-F, 8:00-5 Sat Sun. Open til 5 during season. Weekend Hours: 16	Y	Y	\$5	~8'
			Total Weekend Hours: 68 Average Weekend Hours per Facility: (68/4) = 17				

Sources: <http://www.vdh.virginia.gov/EnvironmentalHealth/Wastewater/MARINA/pumpoutdata/county/westmoreland.htm>, The Northern Neck Planning District Commission, and the marinas themselves – **NOTE:** Marinas shaded in blue above are not used in the calculations in Section 7, Page 46, either because they are outside the proposed No Discharge Zone, or because they don't offer both types of service—pumpout *and* dump-station, or because they don't open on weekends.

3.1 Facility Maintenance

Routine health department inspections and tests are performed to ensure that the facilities listed above are open to the public and functioning properly. Broken pump-out stations can be reported by calling the VDH Marina Program. Specific design and operation requirements are addressed in *The Virginia Sanitary Regulations for Marinas and Boat Mooring* (Section 8.5).

3.2 Facility Waste Treatment Method

Waste collected by the marinas in the proposed NDZ above is disposed of in a holding tank (pump and haul) or treated in an onsite sewage system. The Chesapeake Bay Act requires that onsite sewage-system tanks be pumped out every five years. All wastes are collected from pumpout and dump stations and transported by haulers who deliver them to municipal waste-treatment facilities or private facilities—permitted under the Virginia Pollutant Elimination Discharge System—for their final treatment and disposal. Regulations for these activities are addressed in *The Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings* (See Section 8.5).

3.3 Number of Vessels and Estimated Number of Facilities Needed

To calculate the estimated number of vessels in the *No Discharge Zone* proposed by this application, four different sources were considered:

- Field surveys conducted by the NNPDC and/or submitted by marina operators
- Department of Game and Inland Fisheries (vessel registration database)
- Virginia Department of Health, Division of Waste Water Engineering (marina database)
- Federally-documented vessels (U.S. Coast Guard)

Estimates based on combining the number of boats registered in the region and documented federally (exempt from Virginia registration) far exceed those derived from slip counts or marina data. In the interest of obtaining a conservative estimate of the number of facilities needed to provide pump-out and dump-station services for every potential vessel in the proposed *No Discharge Zones*, this application therefore uses the combined population estimates from the Virginia Department of Game and Inland Fisheries and the U.S. Coast Guard.

Because all of Rosier Creek is included in this application, a proportional number of boats from King George County were added to Westmoreland County's total, using the following method:

- Boats added from King George County represent 9.35% of King George's DGIF totals. The 9.35% is derived from the number of E911 building structures that are part of the Rosier Creek watershed on the King George County side of the creek. In addition, 9.35% of King George County's federally-documented vessels have been added to Westmoreland County's federally-documented total.

To calculate the estimated number of facilities needed for the proposed NDZ areas, this application utilizes an Environmental Protection Agency formula, titled *Boater Sanitary Waste Reception Facility Requirements Worksheet* shown in Section 7, Page 51.

The data indicate a total of 5,262 vessels for Westmoreland County. Of those, 536 are 26-to-40 feet in length, and 3,005 are 16-to-26 in length. To derive the estimated number of pumpout facilities and dump stations required for the area being proposed as a *No Discharge Zone*, the EPA formula

considers the number of vessels with holding tanks, the peak occupancy rates of marinas, and the average number of hours the marinas.

For this application, the calculation indicates that the need is for two pumpout facilities (1.11) and three dump stations (2.18) to serve the estimated 550 vessels (i.e. 445 requiring a dump station and 75 requiring a pumpout facility) expected to use such services (See Section 7).

As noted in Section 3 above, Westmoreland County has 4 (four) marinas with weekend hours and both a dump station and pumpout facility for customers within the proposed *No Discharge Zone*. See Section 3.

3.4 Exclusions Due to Draught Requirements

The Environmental Protection Agency's No Discharge Zone requires states to provide exclusions for boats unable to access pumpouts or dump stations due to draught requirements. Because Westmoreland County has enough marinas with mean low-tide depths of at least 5 feet, no such exclusion is proposed with this application.

4. ENFORCEMENT, SUPPORT, AND OUTREACH ACTIVITIES

4.1 State Regulations

The Virginia State Water Control Law (§62.1-44.33) addresses vessel discharges and provides authority for the State Water Control Board to adopt regulations controlling discharges from boats. This section of the law also provides that “Violation of such rules and regulations and violations of the prohibitions created by this section on the discharge of treated and untreated sewage from documented and undocumented boats and vessels shall, upon conviction, be a Class 1 misdemeanor. Every law-enforcement officer of this Commonwealth and its subdivisions shall have the authority to enforce the rules and regulations adopted and promulgated under the provisions of this section and to enforce the prohibitions on the discharge of treated and untreated sewage created by this section.”

The current boating regulation that results from this authority is entitled “Regulations Governing the Discharge of Sewage and Other Wastes from Boats” (9 VAC 25-71). This regulation contains a section that addresses No Discharge Zones:

- A. *All discharge of sewage, whether treated or not, and other wastes from all vessels into designated No Discharge Zones is prohibited. A listing of designated No Discharge Zones within the state appears at 9 VAC 25-71-70.*
- B. *Vessels without installed toilets shall dispose of any collected sewage from portable toilets or other containment devices at facilities approved by the Virginia Department of Health for collection of sewage wastes, or otherwise dispose of sewage in a manner that complies with state law.*
- C. *Vessels with installed toilets shall have a marine sanitation device to allow sewage holding capacity unless the toilets are rendered inoperable.*
- D. *Houseboats having installed toilets shall have a holding tank with the capability of collecting and holding sewage and disposing of collected sewage at a pump-out facility or other facility approved by the Virginia Department of Health for collection of sewage wastes; if a houseboat lacks such capability, the installed toilet shall be removed.*
- E. *Y-valves, macerator pump valves, or any other through-hull fitting valves capable of allowing a discharge of sewage from marine sanitation devices shall be secured in the closed position by a device that is not readily removable, including, but not limited to, a numbered container seal, such that through-hull sewage discharge capability is rendered inoperable.*
- F. *Every owner or operator of a marina within a designated No Discharge Zone shall notify boat patrons leasing slips of the sewage discharge restriction in the No Discharge Zone. As a minimum, notification shall consist of No Discharge Zone information in the slip rental contract and a sign indicating the area is a designated No Discharge Zone.*

4.2 Local Enforcement Capability

Should these waters be designated a *No Discharge Zone*, in addition to the U.S. Coast Guard, the Virginia Marine Police and the Virginia Department of Game and Inland Fisheries will be the state enforcing authorities. The U.S. Coast Guard Station at St. Inigoes, Maryland (on the St. Marys River),

is approximately 8 to 25 nautical miles east of the proposed No Discharge Zones waters. Both the Virginia Marine Resources Marine Patrol and the Department of Game and Inland Fisheries Game Wardens store boats on land and launch from public facilities in the area and patrol the proposed waters.

Additionally, DEQ and the VDH-DSS frequent these waters to monitor for pollutants. Both may act as an auxiliary to the state and federal police functions. Various enforcement methods are under review, including the use of NSF 60 fluorescent yellow/green dye tablets added to vessel holding tanks to detect illegal discharges. The dye tablets could be installed in holding tanks on a voluntary basis by marina operators and boaters, as well as by those using pumpout stations. Localities that have approved NDZs, such as Virginia Beach, have made the use of these tablets mandatory. Westmoreland County has the option to enact this mandatory requirement as well, and would assist enforcement of the NDZ, should the application be approved by EPA.

4.3 Local Public Support and Outreach

No Discharge Zone designation has the support of environmental interests represented by the Friends of the Rappahannock, as well as state agencies of the Commonwealth, including the Virginia Department of Health, the Virginia Marine Resources Commission, the Virginia Department of Conservation and Recreation, and the Virginia Department of Environmental Quality.

The public meeting took place on June 14th, 2011, at the A. T. Johnson Alumni Museum, 18849 Kings Highway, Montross, Virginia. A 30-day public comment period commenced on June 15, 2011. Public comments and DEQ responses are attached in Section 9, Page 61.

4.4 Existing Point Source Pollution

The majority of land-based activities potentially contributing to bacteriological contamination of the subject waters remain to be addressed by the community, the county, and the state. Most of the waterfront homes in these watersheds are on individual or small-community septic fields, except for a handful connected to the sewage-treatment plants listed below.

The following facilities are permitted under the Virginia Pollutant Discharge Elimination System (VPDES) and are regulated by VA DEQ for the subject waters. Facilities permitted for bacteria discharge are inspected regularly and are required to report any exceedance of water quality standards in order to remain in compliance with their permit.

VPDES Permits for Sanitary Discharges

Facility Name	Permit Number	Receiving Water	Type of Permit
Colonial Beach Town of STP	VA0026409	Monroe Bay	Municipal
Purkins Corner Wastewater Treatment Plant	VA0070106	Pine Hill Creek (trib of Rosier Ck)	Municipal
Washington District Elementary School	VA0082058	Mattox Creek, UTRIB	Municipal Minor
Outdoor World Harborview	VA0089087	Mattox Creek	Municipal Minor

Source: Virginia Department of Environmental Quality

There are also sites with seafood and industrial permits, most of which have associated boat traffic:

Seafood Permits (not permitted for bacteria discharge)

Facility Name	Permit Number	Receiving Water	Type
Bonums Oyster Company Incorporated	VAG524041	Bonums Creek	Seafood
Curley Packing Company	VAG524032	Monroe Bay	Seafood
Geo Robberecht Seafood Incorporated	VAG524002	Nomini Creek	Seafood
S and W Seafood Incorporated	VAG524012	Lower Machodoc Creek	Seafood
Shady Lane Seafood Incorporated	VAG524003	Rosier Creek	Seafood

Source: Virginia Department of Environmental Quality

Industrial Permits

Facility Name	Permit Number	Receiving Water	Type
Carls Auto Salvage	VAR051962	UT to Rosiers Creek	Industrial
Colonial Beach Town of STP	VAR051436	Goldman Creek (trib of Rosier Creek)	Industrial
Potomac Supply Corporation	VAR050629	Kinsale Branch, UT	Industrial
Stanfords Marine Railway	VAR051135	Monroe Bay	Industrial

Source: Virginia Department of Environmental Quality

5. SUMMARY

The small tributaries that are the subject of this application need greater protection than the current federal standards afford. These are shallow-depth areas typically less subject to the twice-a-day tidal “flushing” that occurs in the larger waterbodies. They are compromised by bacterial impairment, low dissolved oxygen, as well as conditions that impair the growth of aquatic plants. These conditions cause the subject waters to violate state water-quality standards. While terrestrial pollution is a threat to these marine natural resources and is acknowledged to be a major indirect source, vessel pollution is a direct source deposited to these waters, and therefore, may have a more imminent impact on the local water quality, as well as the oyster resources which inhabit these tributaries.

Pumpout facilities and dump stations are present in either the affected waters or their vicinity, as listed in Section 3, Page 15. These facilities provide for the proper disposal and treatment of collected wastes.

Enforcement and public outreach can be provided by the Sheriff Department, the U.S. Coast Guard, the Virginia Marine Police, the Virginia Department of Environmental Quality, the Department of Conservation and Recreation, the Virginia Department of Health, and local government.

The Commonwealth of Virginia believes the waters addressed in this application are appropriate candidates for designation as a No Discharge Zone.

6. MAPS

6.1 Bonum Creek – Proposed No Discharge Zone



Source: Northern Neck Planning District Commission

6.2 Jackson and Gardner Creeks – Proposed No Discharge Zone



Source: Northern Neck Planning District Commission

6.3 Ragged Point – Proposed No Discharge Zone



Source: Northern Neck Planning District Commission

6.4 Lower Machodoc Creek – Proposed No Discharge Zone



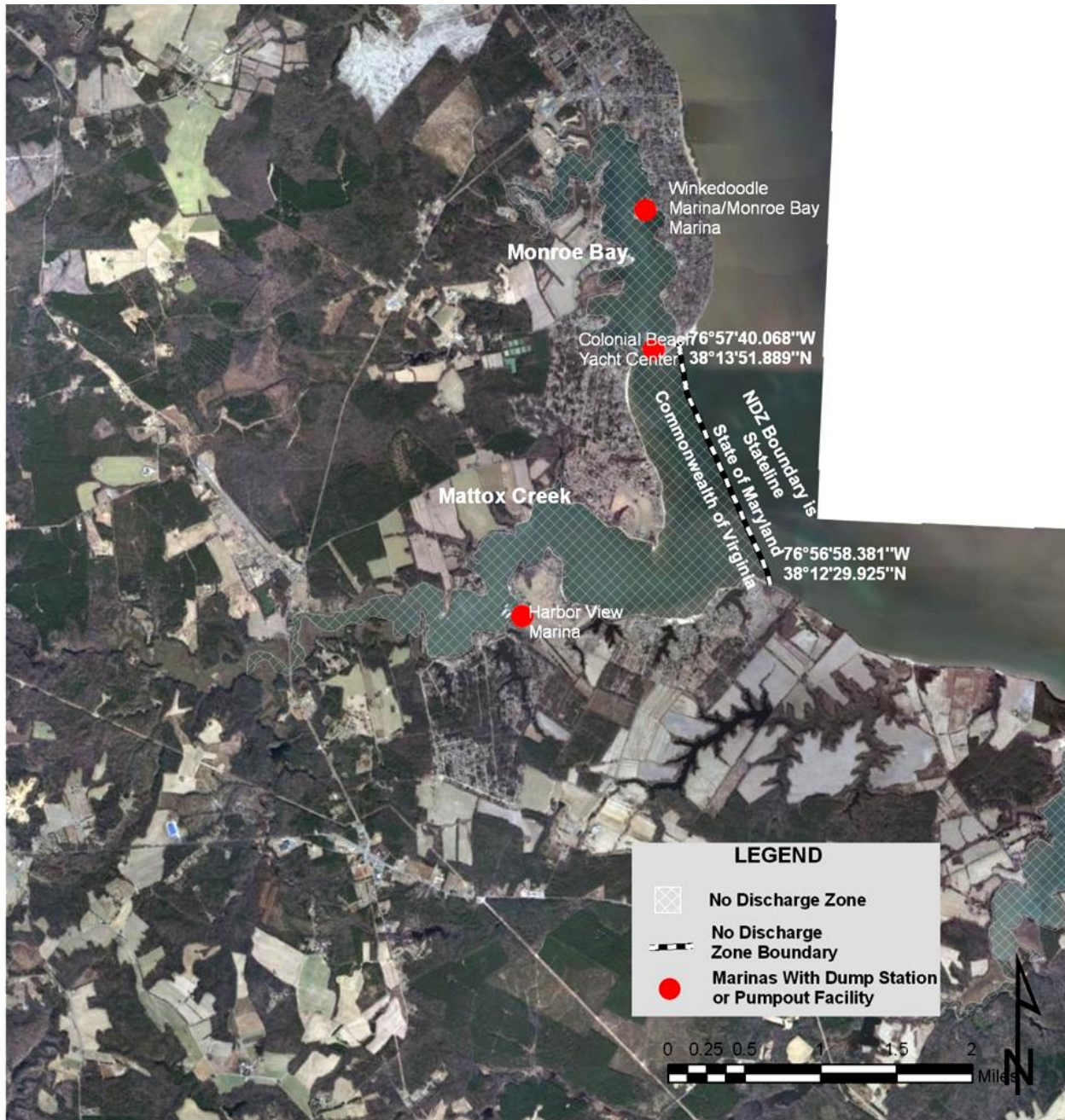
Source: Northern Neck Planning District Commission

6.5 Nomini Creek – Proposed No Discharge Zone



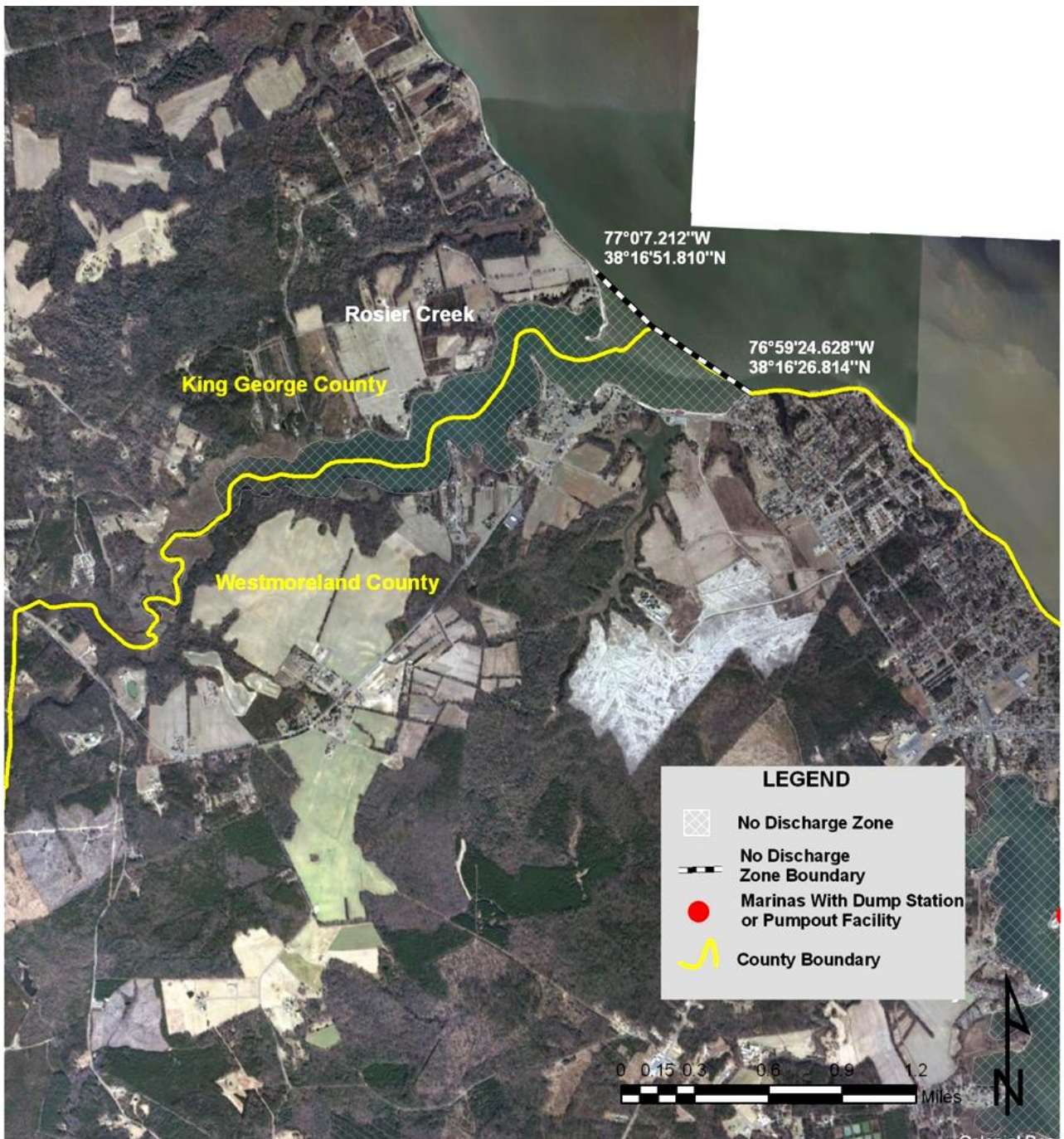
Source: Northern Neck Planning District Commission

6.6 Mattox Creek and Monroe Bay – Proposed No Discharge Zone



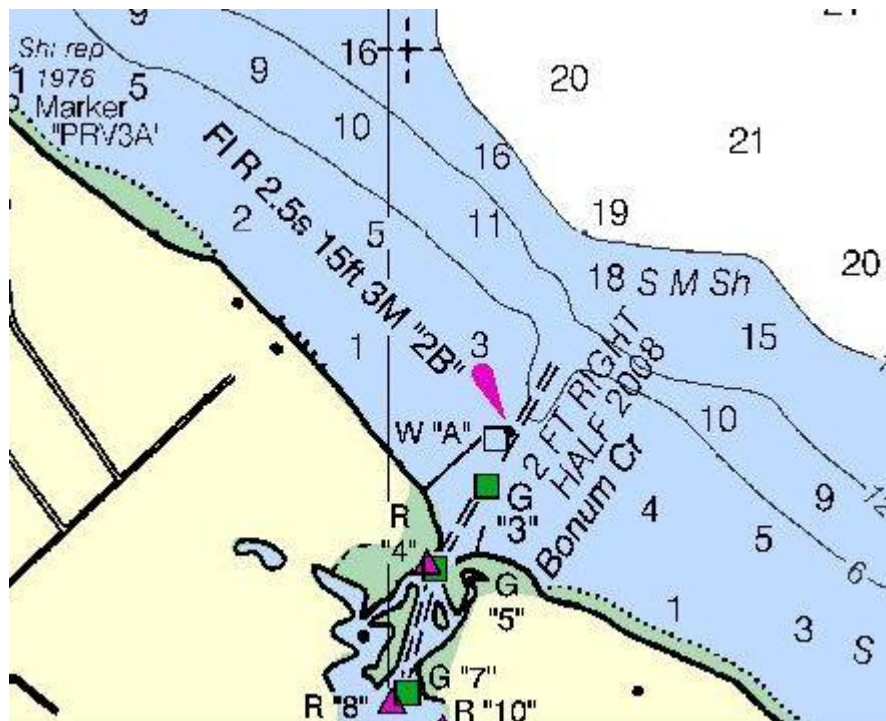
Source: Northern Neck Planning District Commission

6.7 Rosier Creek – Proposed No Discharge Zone



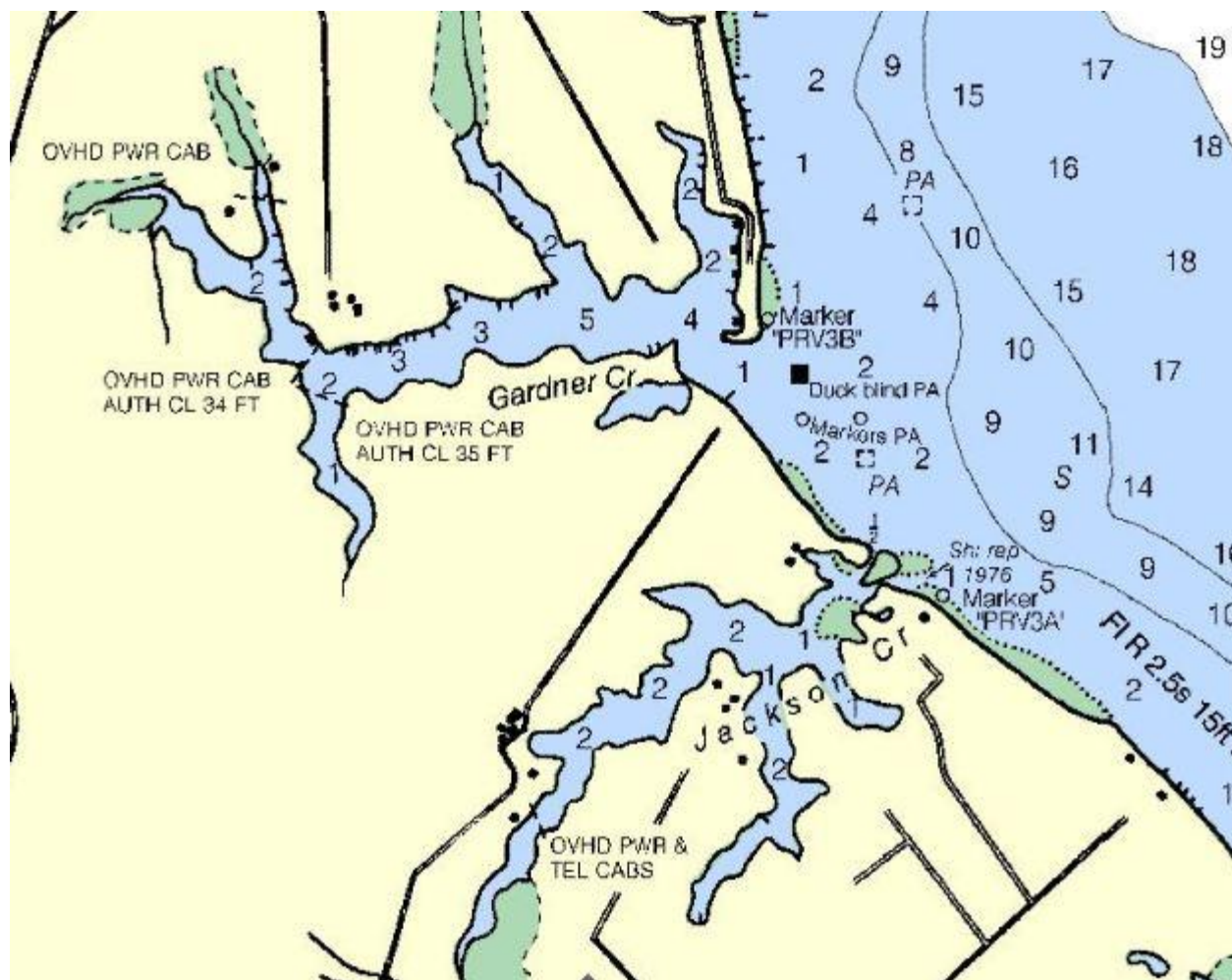
Source: Northern Neck Planning District Commission

6.8 Bonum Creek – Water Depths



Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.9 Jackson and Gardner Creeks – Water Depths



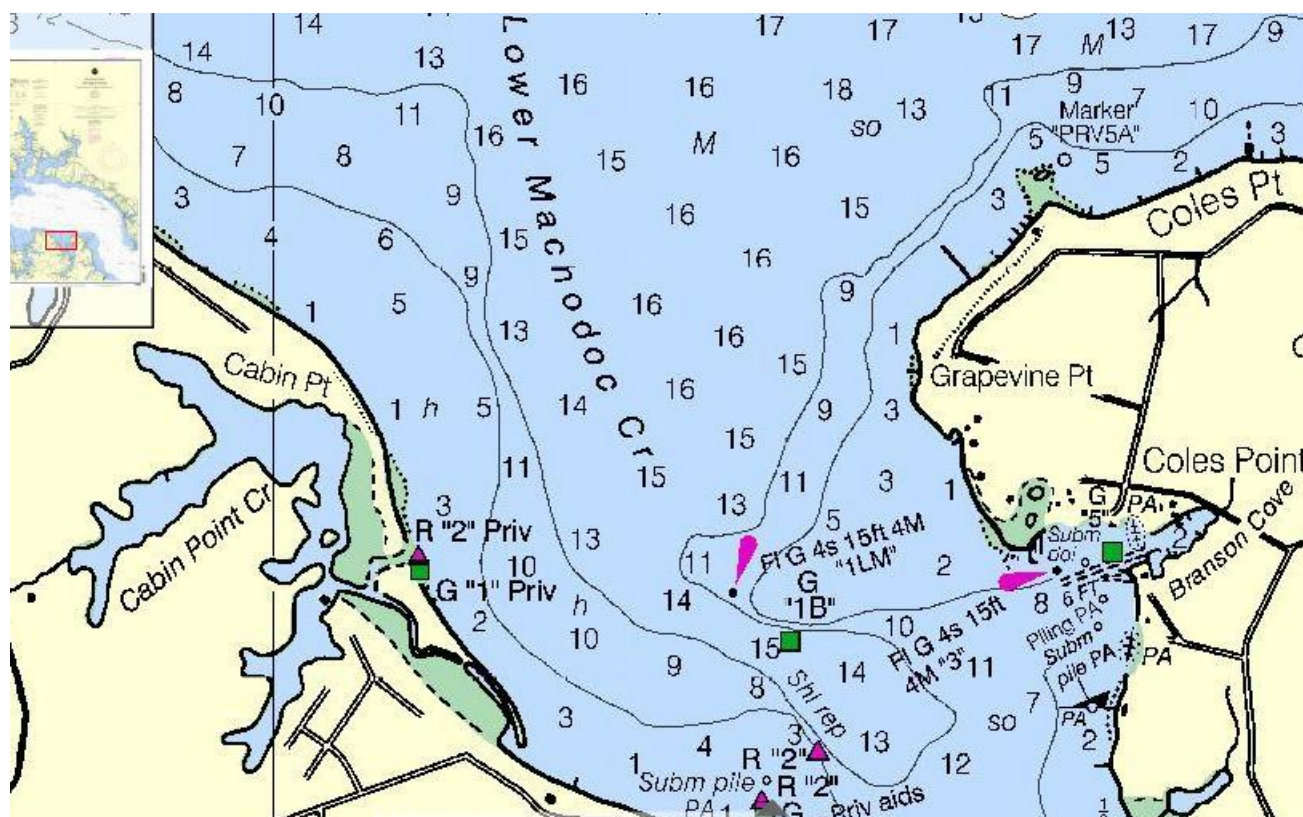
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.10 Ragged Point – Water Depth



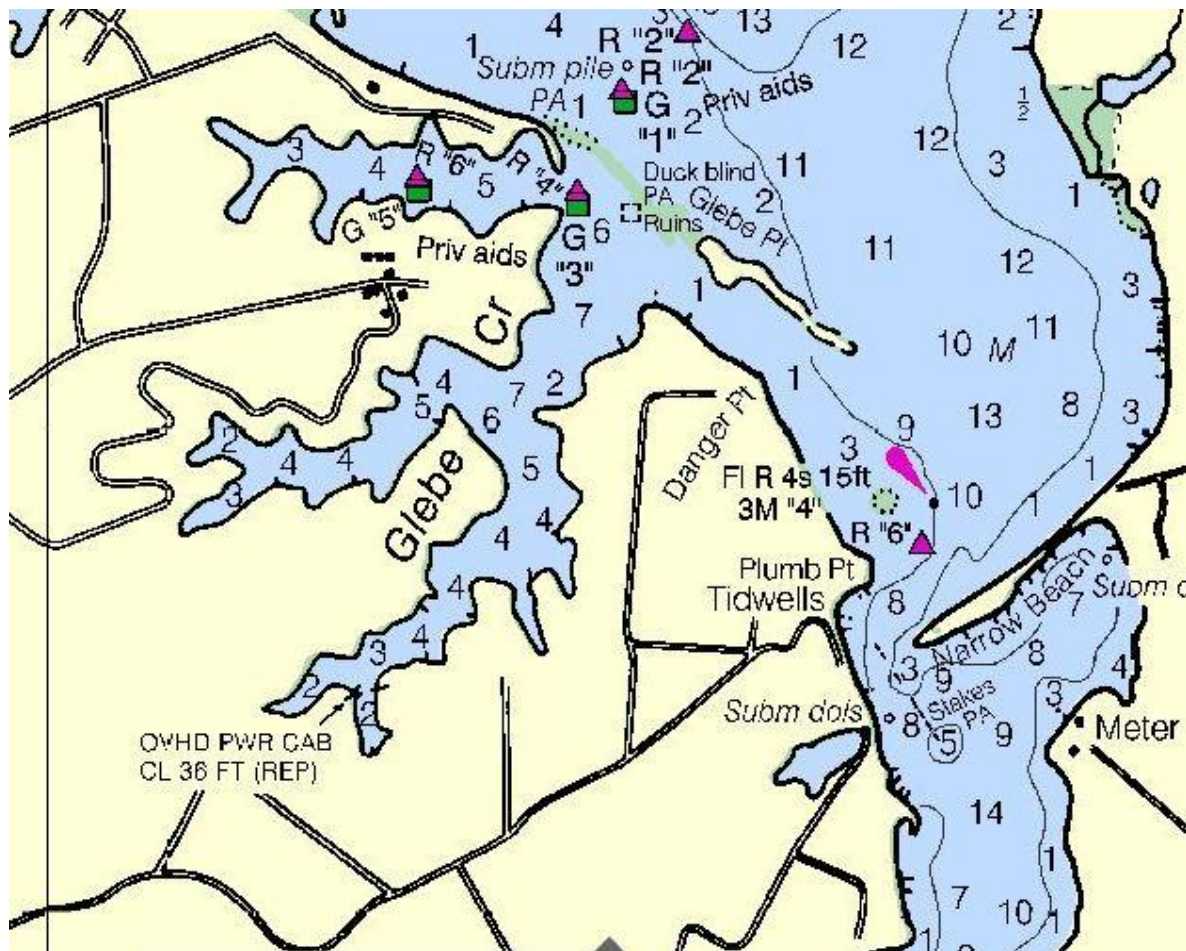
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.11 Lower Machodoc Creek (North Section, with Cabin Point Creek and Branson Cove) – Water Depth



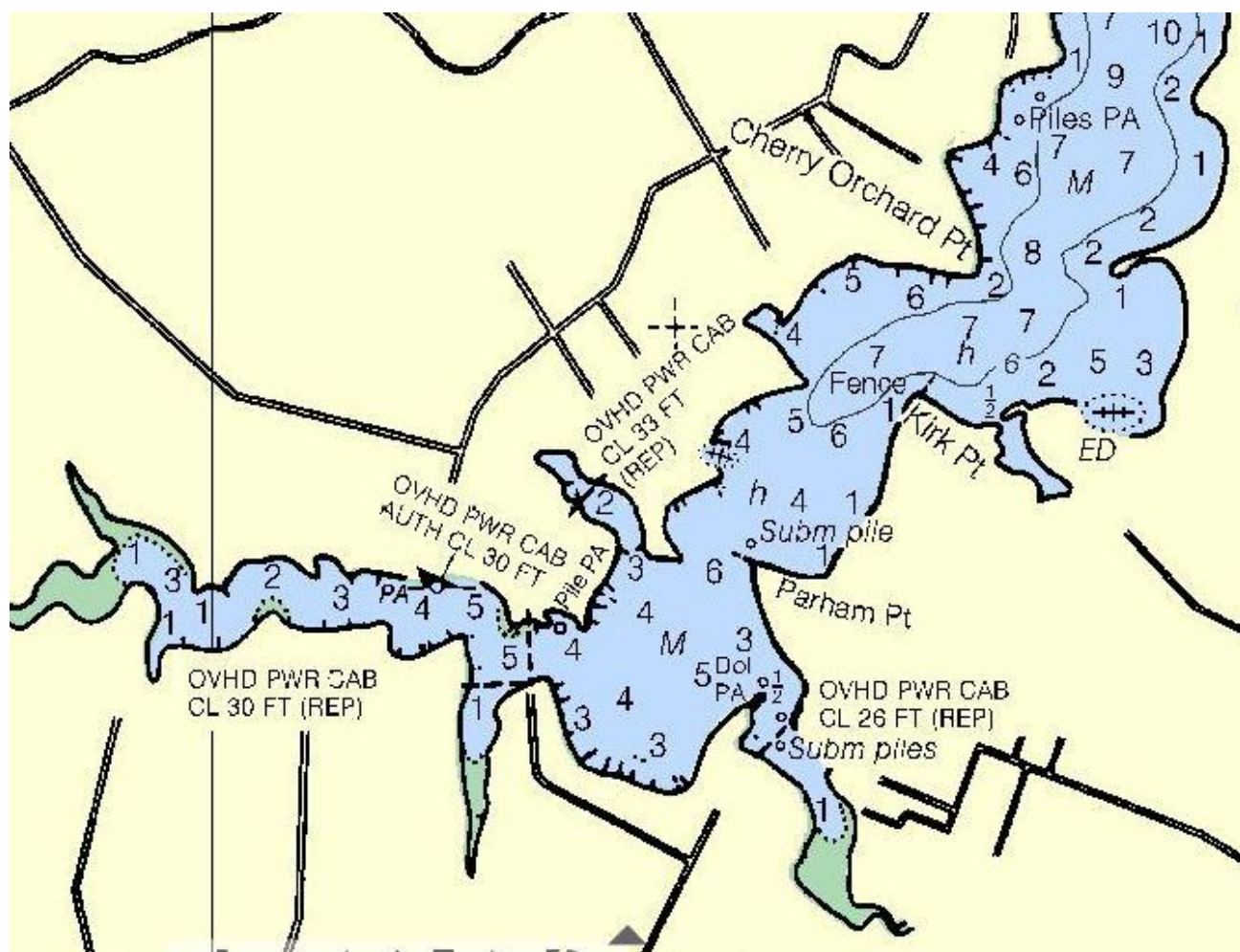
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.12 Lower Machodoc Creek (Middle Section, with Glebe Creek) – Water Depth



Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

**6.13 Lower Machodoc Creek (South Section, with Hester Cove, Drum Bay, and Doyle Cove)
– Water Depth**



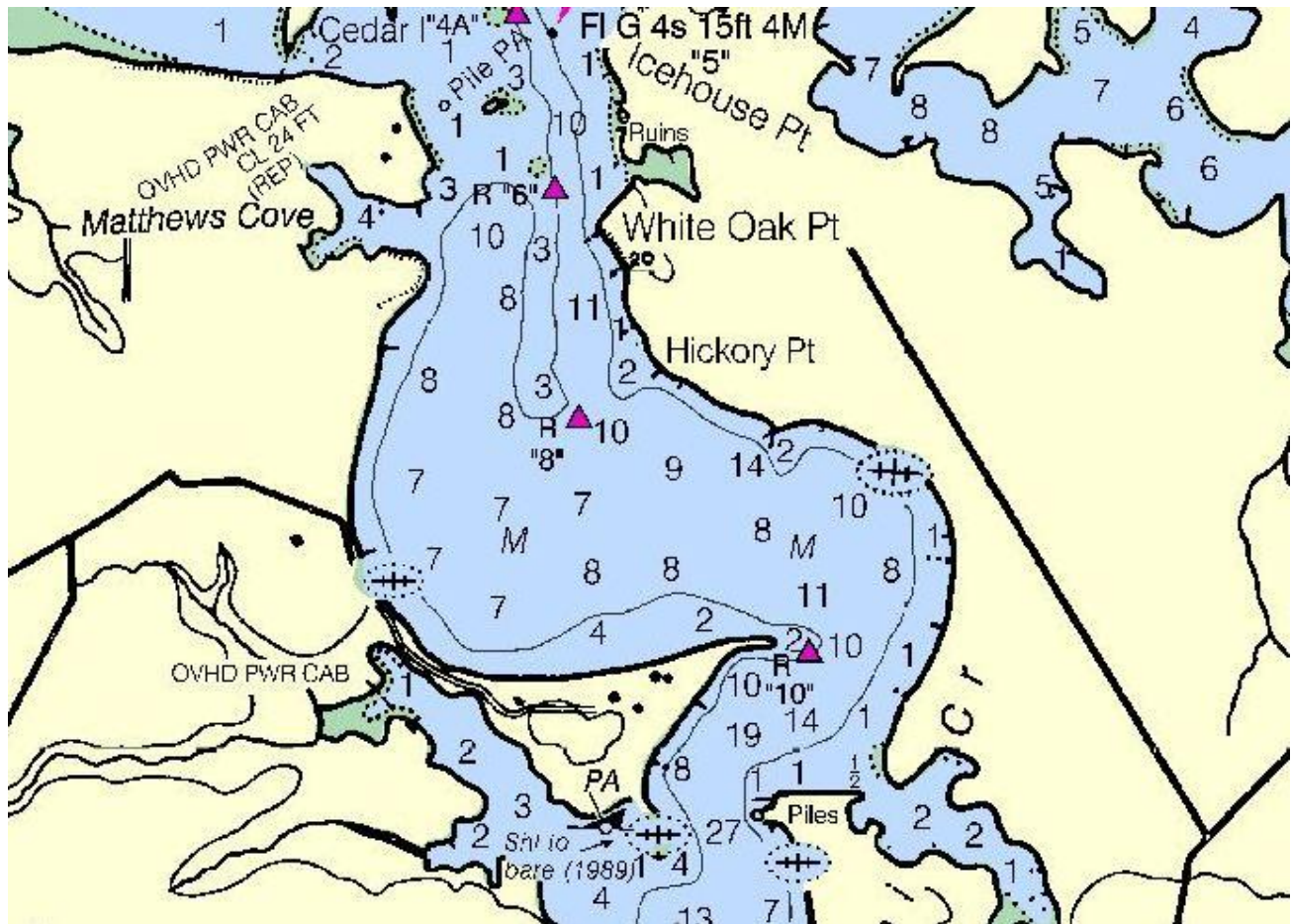
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.14 Buckner Creek (with North Prong) – Water Depth



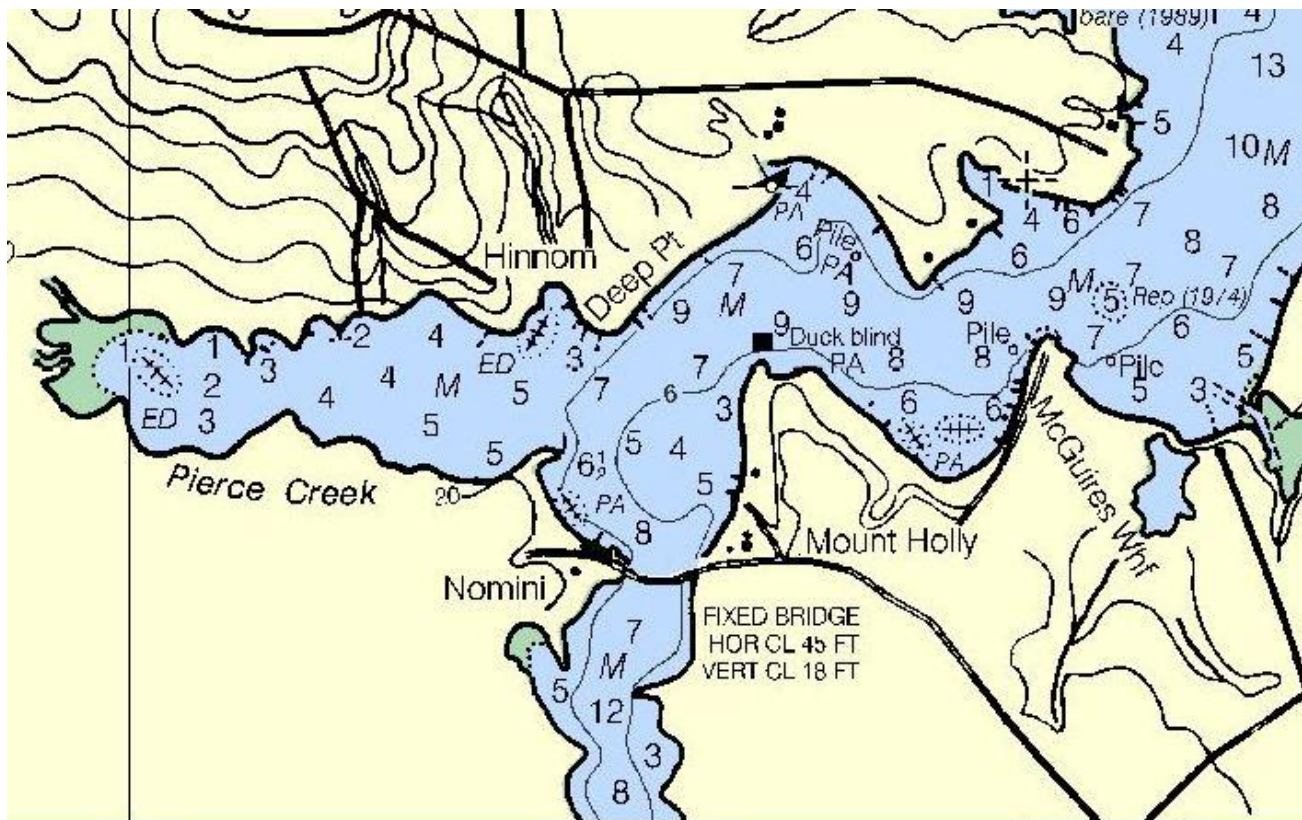
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.15 Nomini Creek (with Matthews Cove, Barnes Creek, and Jules Creek) – Water Depth



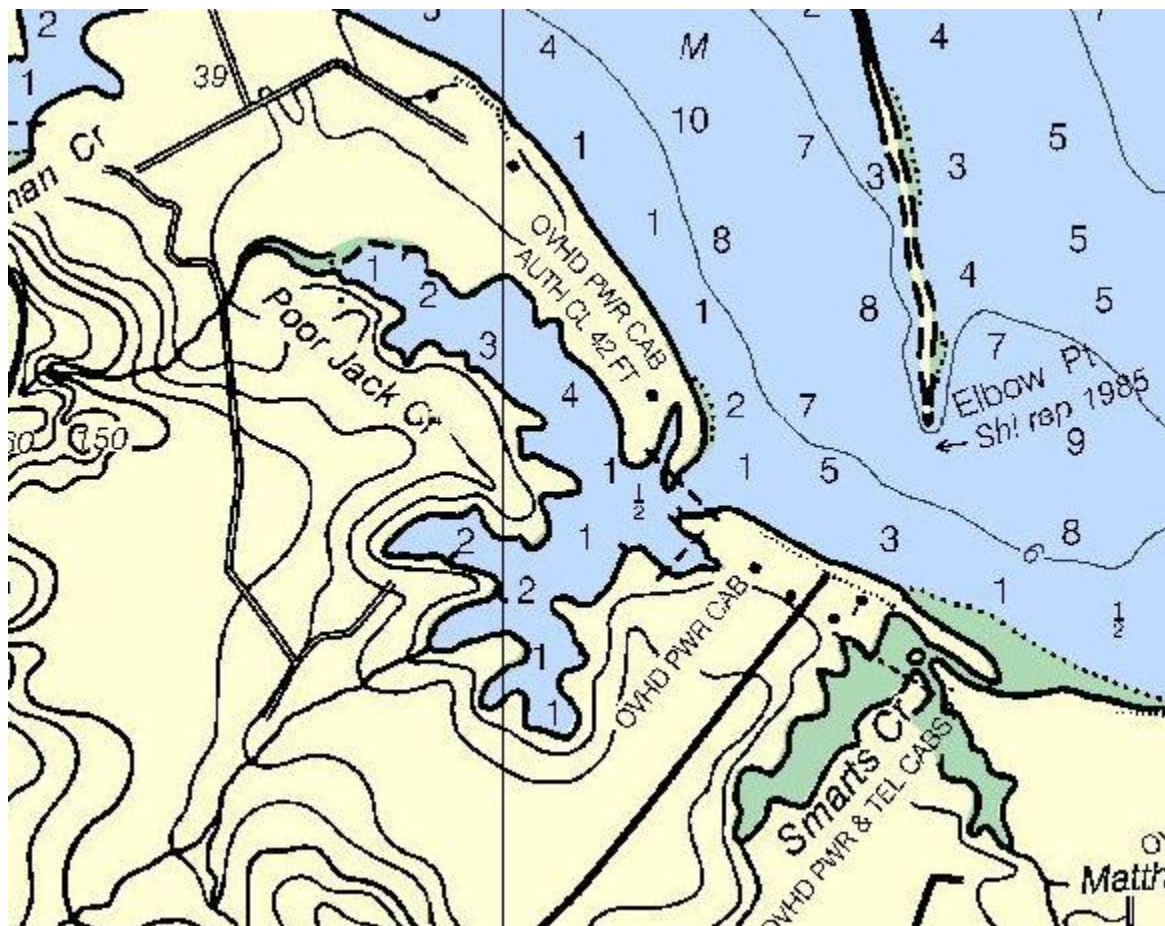
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.16 Nomini Creek (with Palmers Cove, Pierce Creek, Browns Cove, and Jenkins Cove) – Water Depth



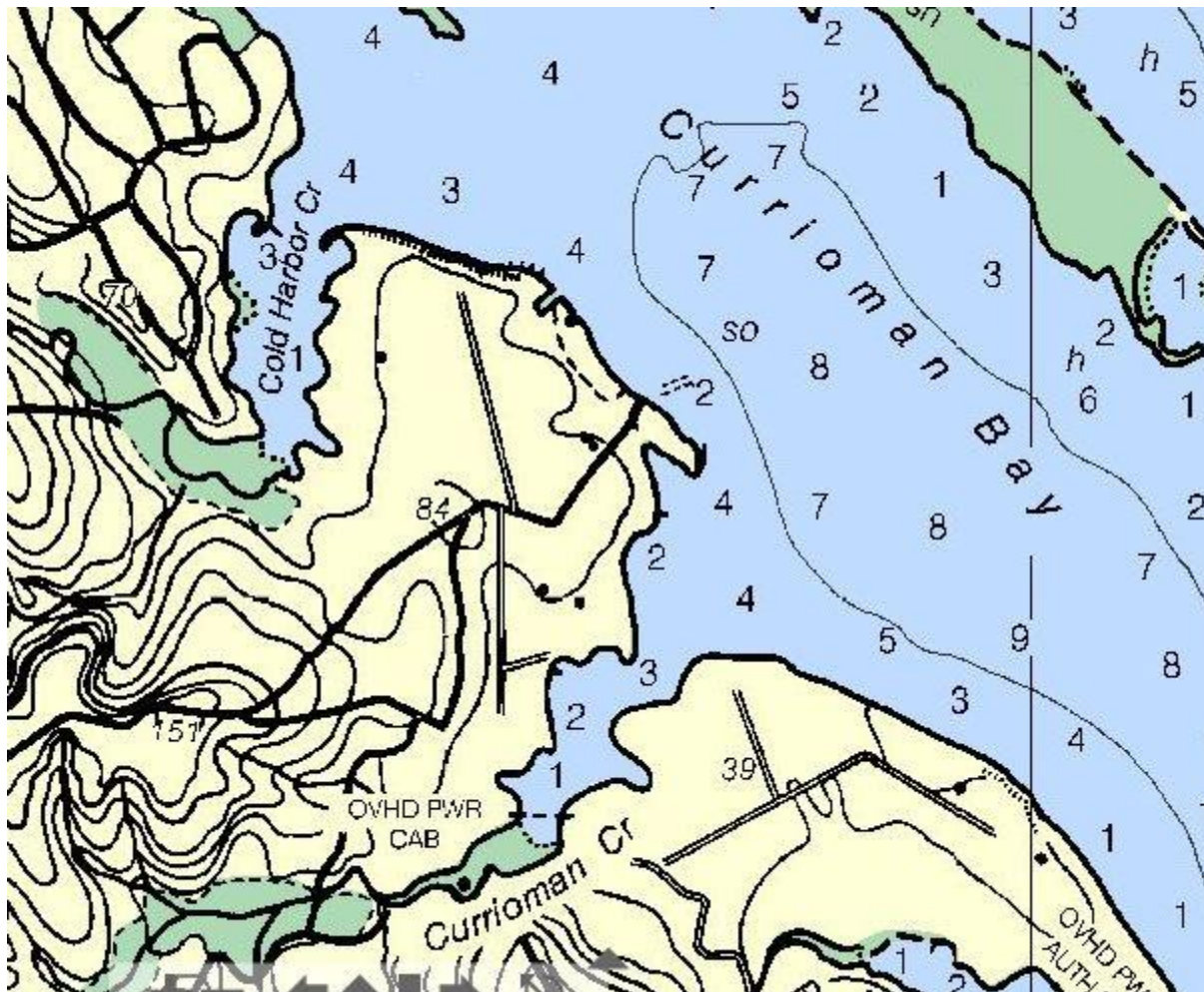
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.17 Nomini Creek (with Poor Jack Creek) – Water Depth



Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

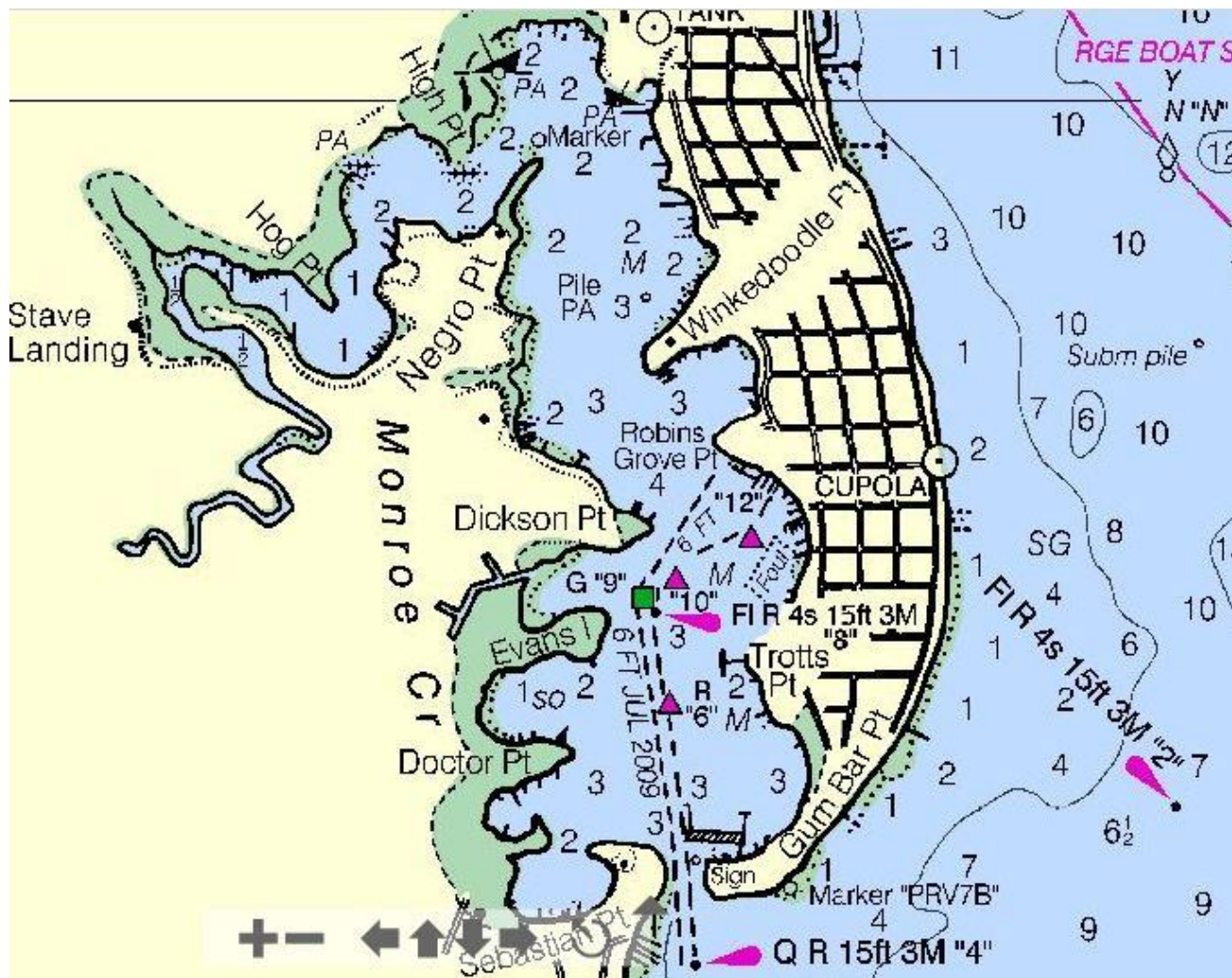
6.18 Nomini Creek (with Cold Harbor and Currioman Creeks) – Water Depth



Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

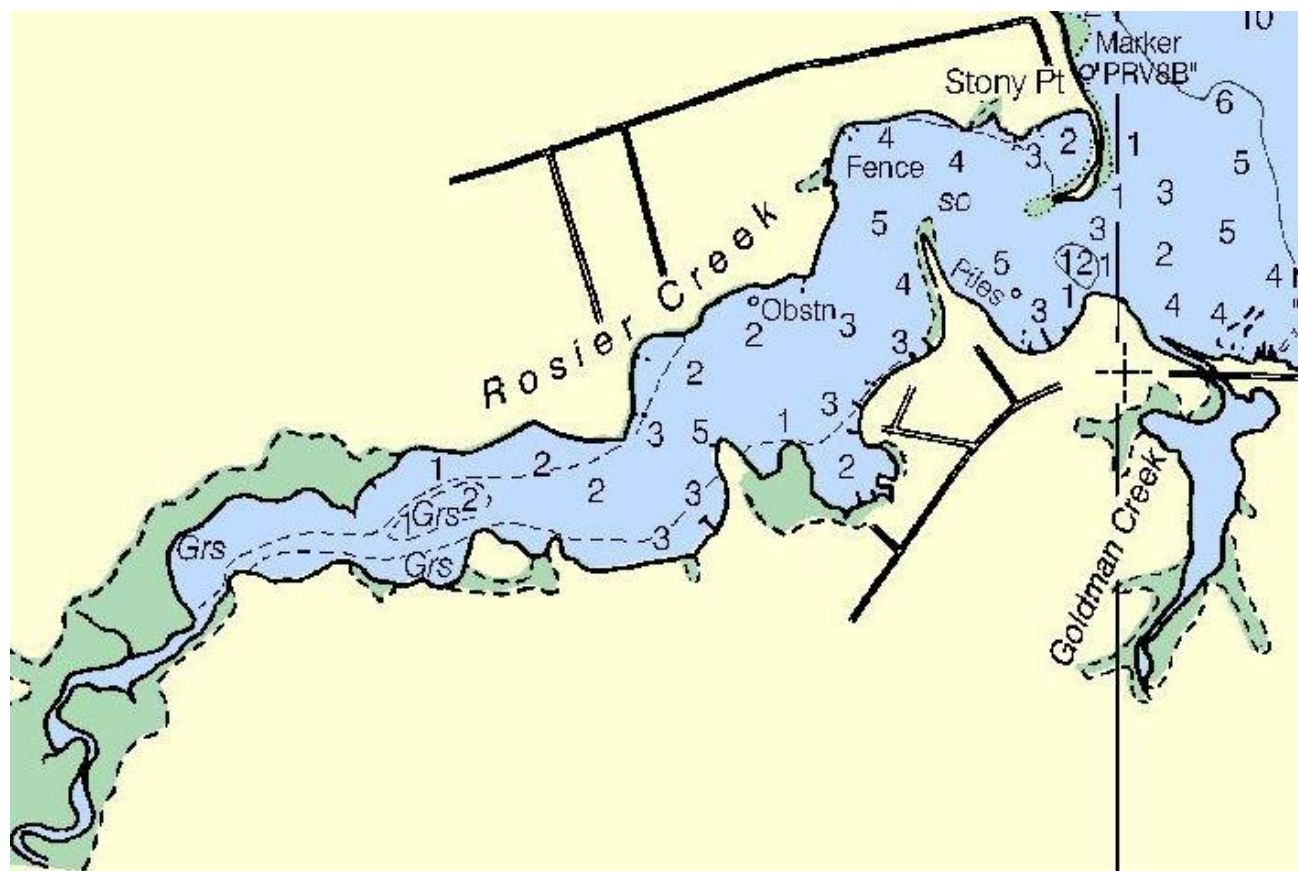
June 7, 2011 – No Discharge Zone Application – Westmoreland County, Virginia – Page 39 of 67

6.20 Monroe Bay (with Monroe Creek) – Water Depth



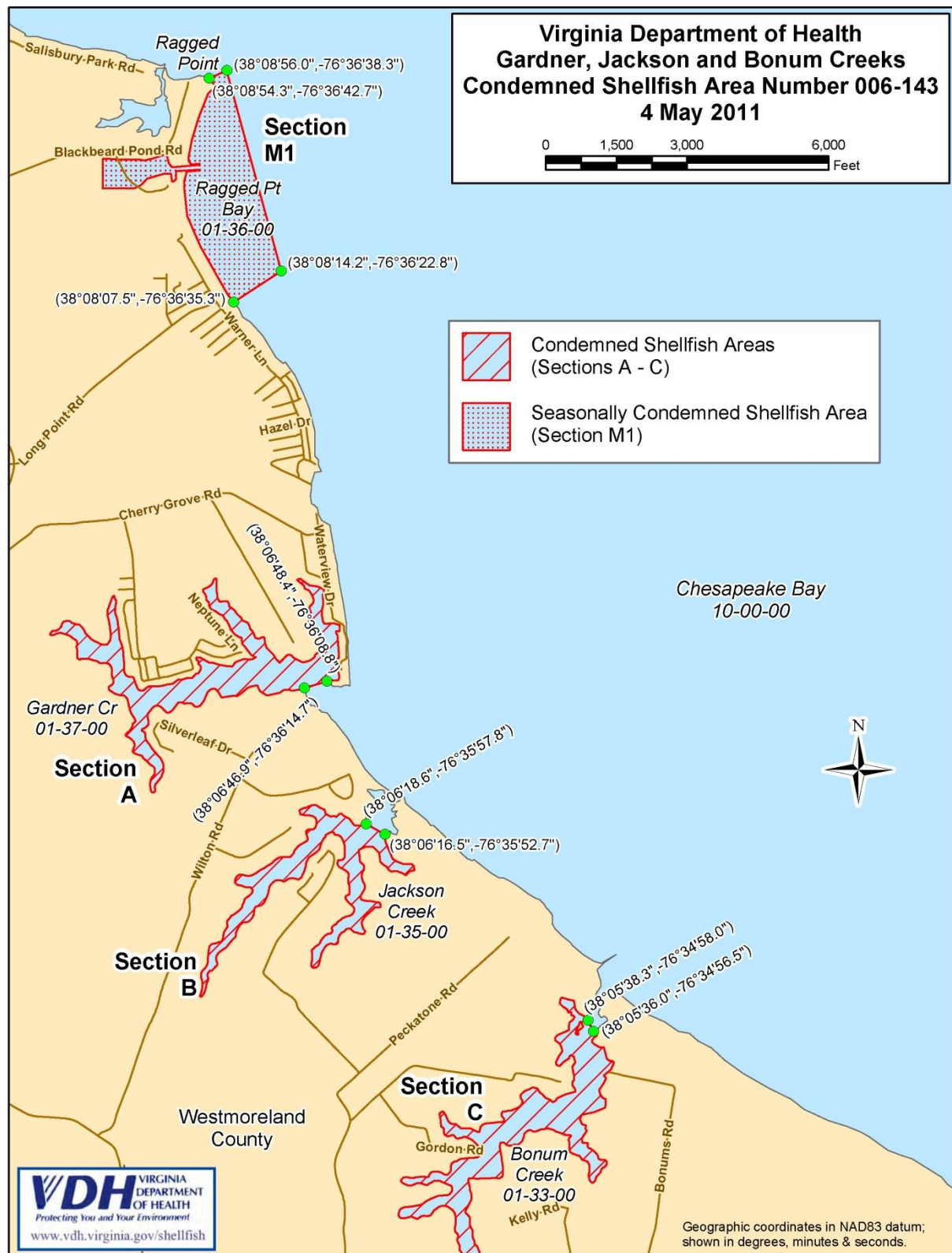
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.21 Rosier Creek – Water Depth



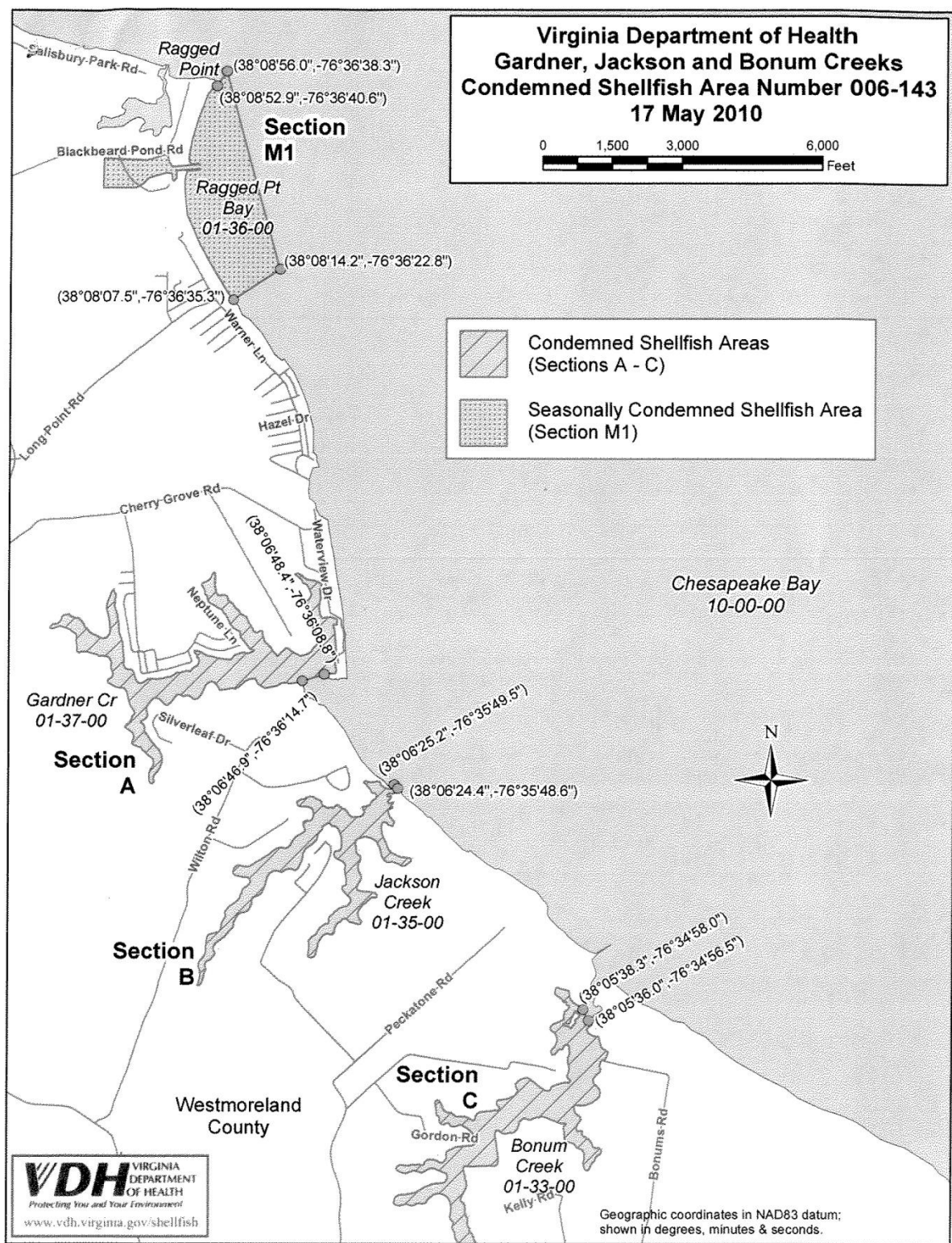
Source: <http://www.charts.noaa.gov/OnLineViewer/12286.shtml>

6.22 Bonum, Gardner, & Jackson Creeks, Ragged Point – Condemned Shellfish Area Map Case 1



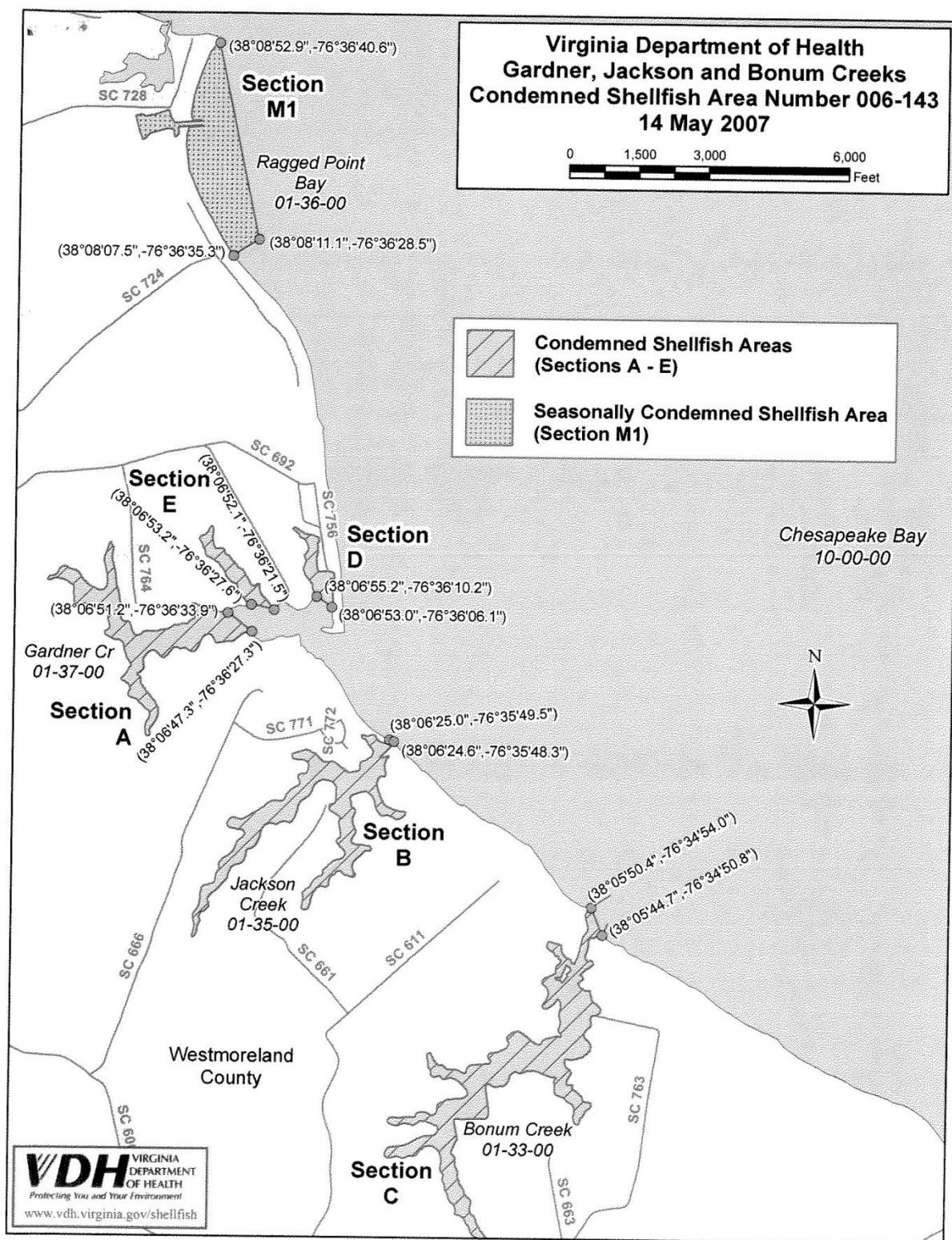
Source: <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond006-143.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

6.23 Bonum, Gardner, & Jackson Creeks, Ragged Point – Condemned Shellfish Area Map Case 2



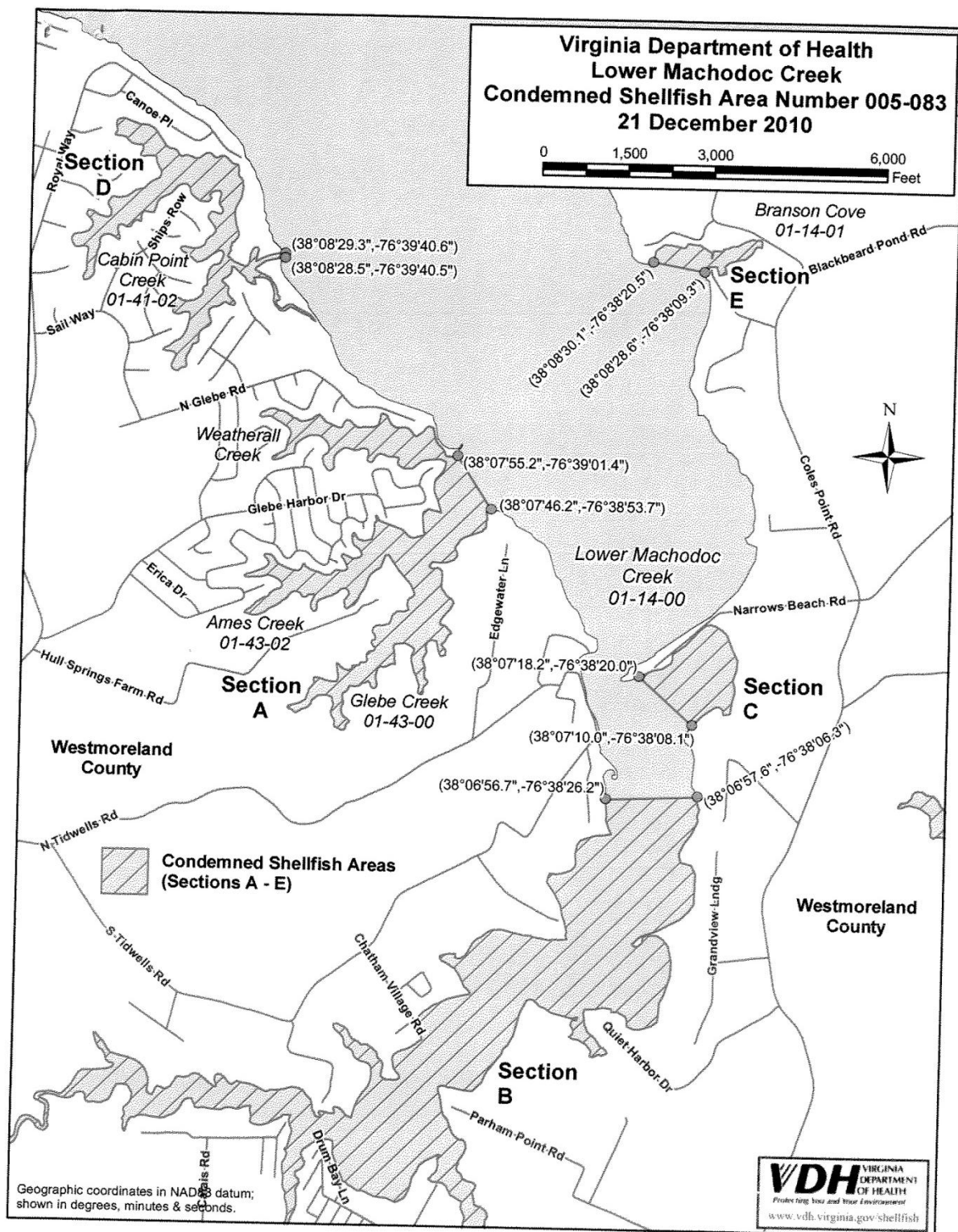
Source: <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond006-143.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

6.24 Bonum, Gardner, & Jackson Creeks, Ragged Point – Condemned Shellfish Area Map Case 3



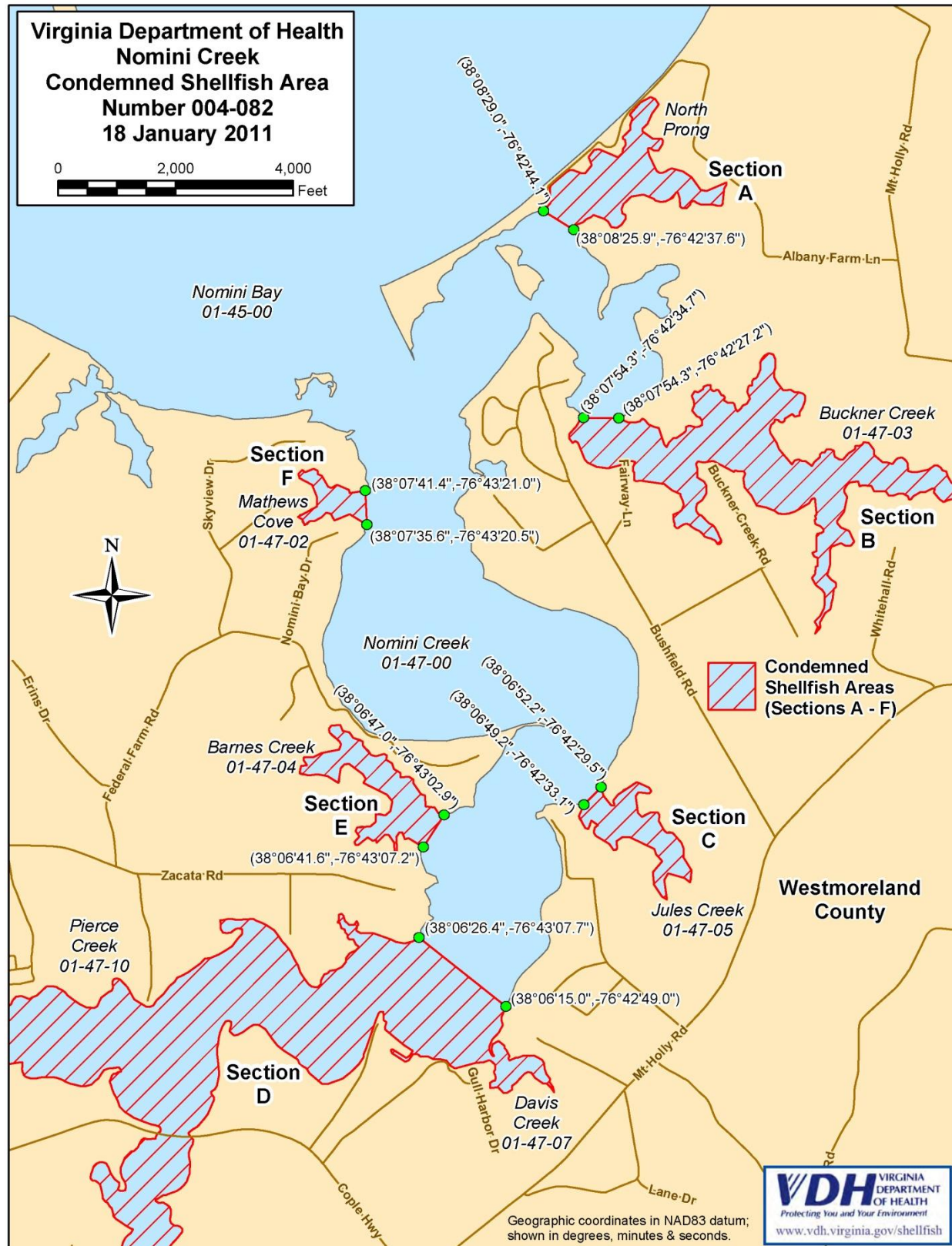
Source: <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond006-143.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

6.25 Lower Machodoc Creek – Condemned Shellfish Area Map



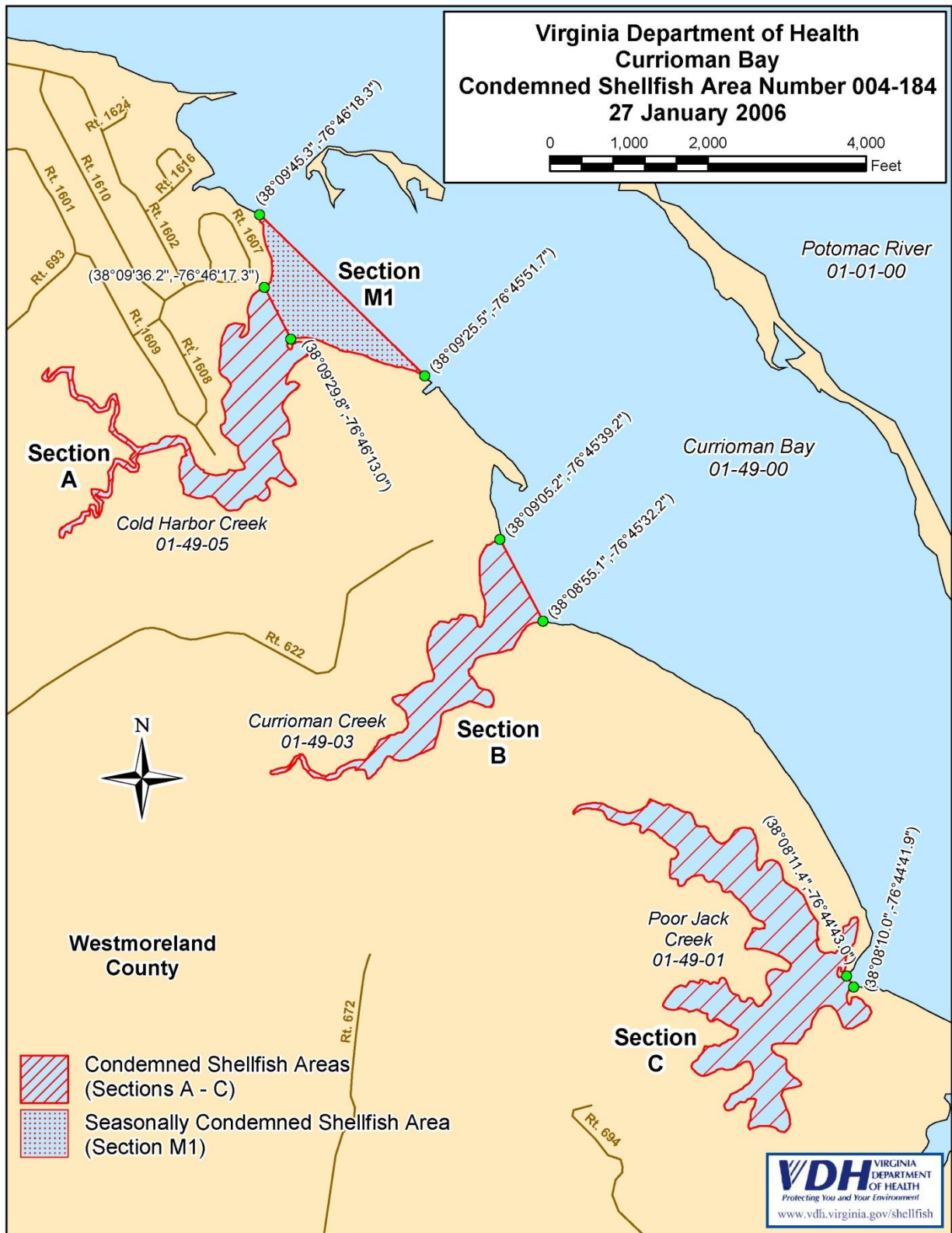
Source: <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond005-083.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

6.26 Nomini Creek – Condemned Shellfish Area Map



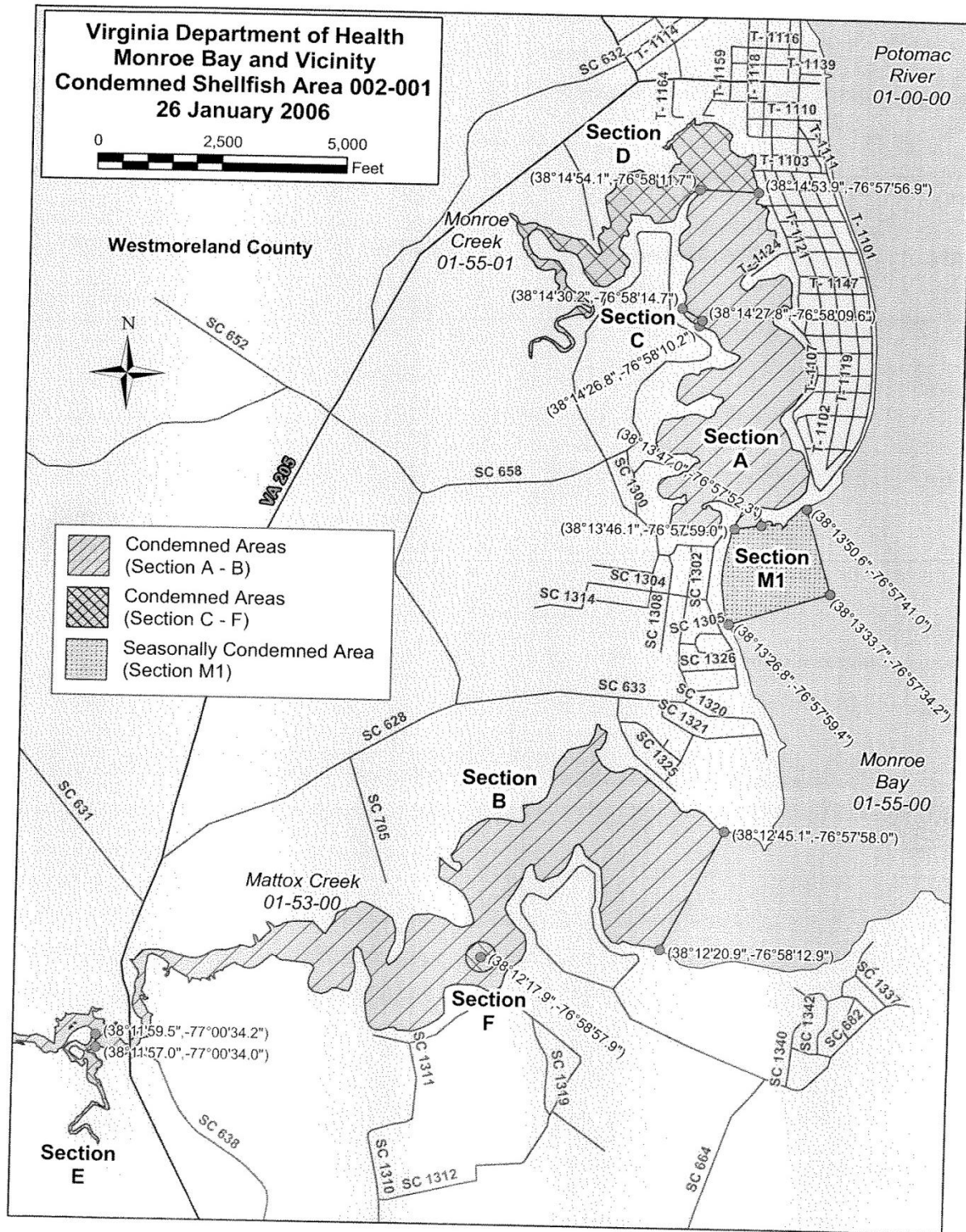
Source: <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond004-082.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

6.27 Poor Jack, Currioman, and Cold Harbor Creeks – Condemned Shellfish Area Map



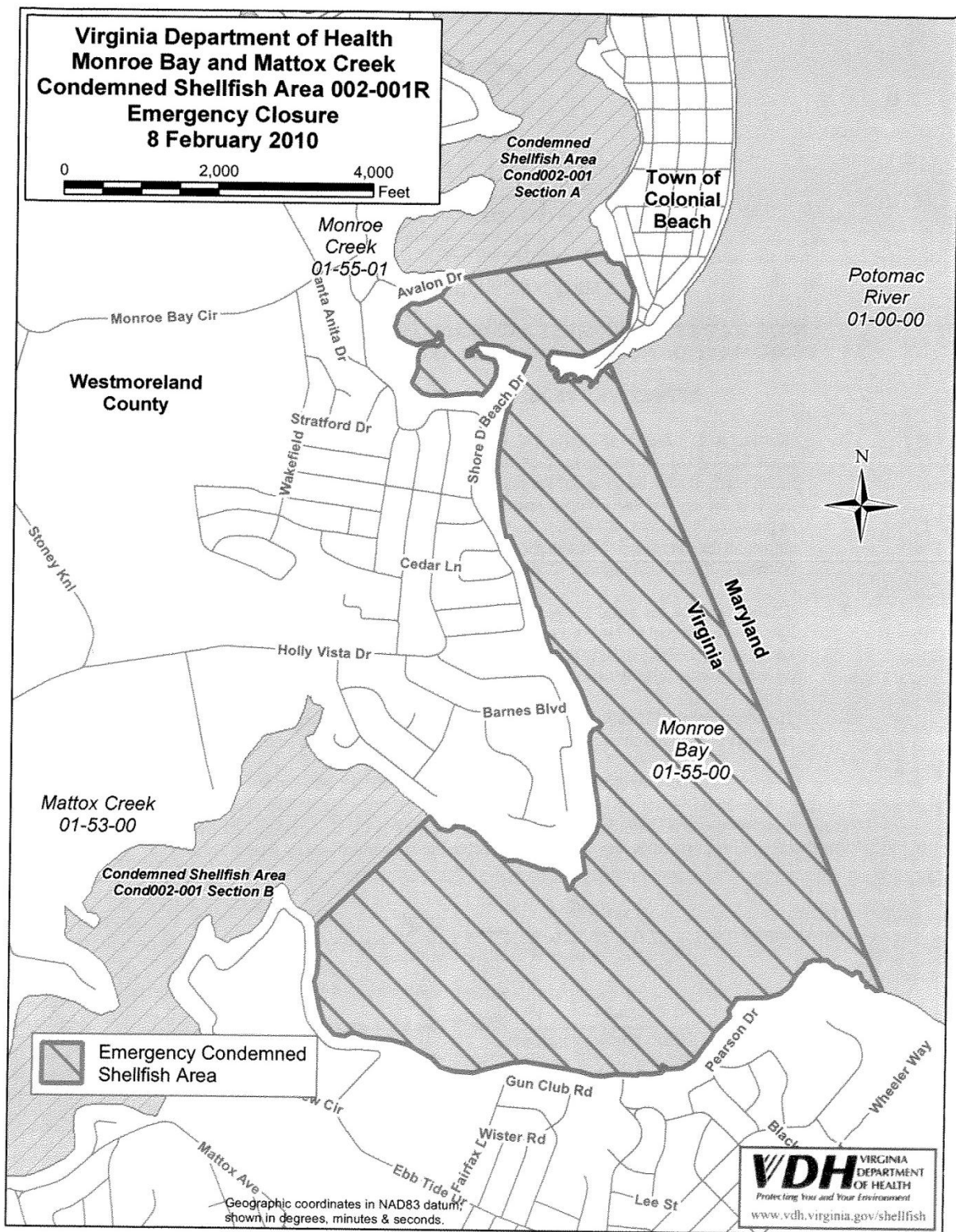
Source: <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond004-184.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

**6.28 Mattox Creek and Monroe Bay – Condemned Shellfish Area Map
Case 1**



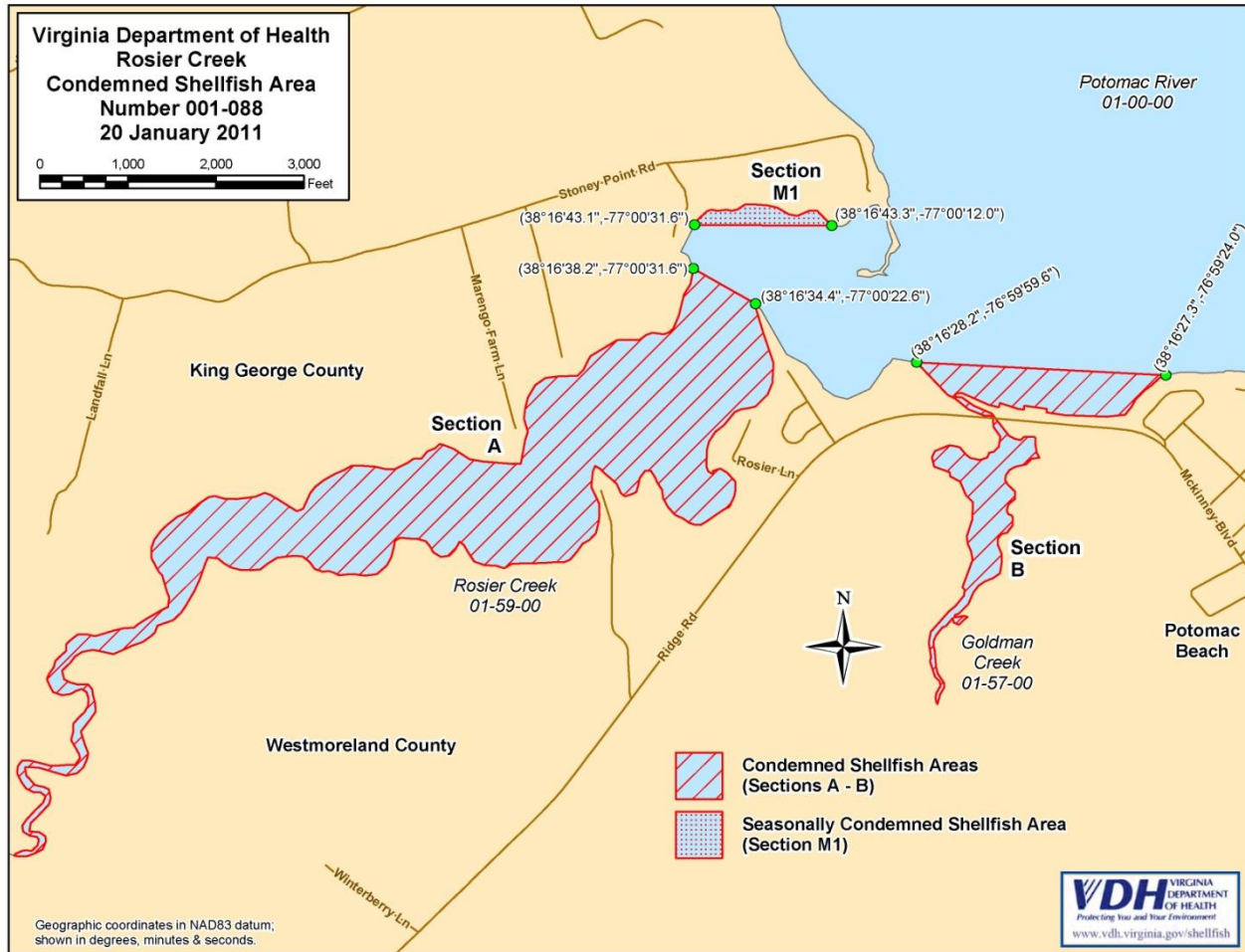
Source: <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond002-001.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

6.29 Monroe Bay and Mattox Creek – Condemned Shellfish Area Map
Case 2



Source: <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond002-001R.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

6.30 Rosier Creek – Condemned Shellfish Area Map



Source <http://www.vdh.virginia.gov/EnvironmentalHealth/shellfish/closure/cond001-088.pdf>
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey>

7. FACILITY REQUIREMENTS WORKSHEET

WESTMORELAND COUNTY

VESSEL LENGTH	Field Data	DGIF Data	VDH Data	Documented	ESTIMATE ¹
Less than 16 feet	-	1,666	-	-	1,666
16 to 26 feet ³	46	2,995	438	10	3,005
27 to 40 feet ³	61	382	447	154	536
Over 40 feet	5	15	-	39	54
TOTAL	112	5,058	885	204	5,262

Data set used in calculation ⁴: No Yes No Yes

Estimate of Required Pumpout Facilities	
A) Number of vessels 27-40 ft. in length	536
B) Enter % of 27-40 ft. vessels with holding tanks in Virginia ²	25%
C) Estimated number of 27-40 ft. vessels with holding tanks (multiply lines A and B)	134
D) Enter the number of vessels greater than 40 ft. in length	54
E) Estimated total number of vessels with holding tanks (addition of lines C and D)	188
F) Estimated peak occupancy rate (i.e. on a holiday weekend; if unknown, use 40%)	40%
G) Estimated number of vessels requiring pumpout facilities (multiply lines E and F)	75
H) Average number of vessels served per hour per pumpout (if unknown, use 4/hr)	4
I) Average number of weekend operating hours per facility (if unknown, use 24 hrs.)	17
J) Estimated number of vessels served per pumpout facility (multiply lines H and I)	68
K) Estimated number of pumpout facilities required (divide line G by line J)	1.11

Estimate of Required Dump Stations	
L) Number of vessels 16-26 ft. in length	3,005
M) Enter % of 16-26 ft. vessels with portable toilets in Virginia ²	37%
N) Estimated number of vessels with portable toilets (multiply lines L and M)	1,112
O) Estimated peak occupancy rate (if unknown, use 40%)	40%
P) Estimated number of vessels requiring dump stations (multiply lines N and O)	445
Q) Average number of vessels served per hour per station (if unknown, use 12/hr)	12
R) Average number of weekend operating hours per station (if unknown, use 24 hrs.)	17
S) Estimated number of vessels served per dump station (multiply lines Q and R)	204
T) Estimated number of dump stations required (divide line P by line S)	2.18

Source: Environmental Protection Agency, Document Number EPA 842-B-94-004, August 1994 - <http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P1007NAG.txt>

- Westmoreland County DGIF data includes additional boats from King George County, in proportion to half of Rosier Creek, minus boats for the half of the Yeocomico River, which were allocated to the Northumberland County NDZ application. The boats added represent 9.35% of King George's DGIF totals. The 9.35% came from the number of E911 structures that are part of the Rosier Creek watershed that falls on the King George County side. In addition, 9.35% of King George County's federally-documented vessels were added to Westmoreland County's total federally-documented vessels. The boats subtracted represent 10.4% of DGIF totals and federally-documented totals for Westmoreland County, based on the E911 structures that are part of the Yeocomico River watershed, which is part of the Northumberland County NDZ application.
- Source: "Clean Vessel Act: Pumpout Station and Dump Station Technical Guidelines," Federal Register, Vol. 59, No. 47, March 10, 1994; and "National Recreational Boating Survey: Sanitation Pumpout Questionnaire Tabulations," U.S. Department of Fish and Wildlife Service, January 1992.
- Original worksheet's 26-to-40-foot category adjusted to 27-to-40, to avoid overlaps.
- In the interest of avoiding double-counting, and of obtaining a conservative estimate of the number of facilities needed to provide pumpout and dump-station services for every potential vessel in the proposed *No Discharge Zone*, this application only uses the combined totals from the Virginia Department of Game and Inland Fisheries (i.e., DGIF) and from the U.S. Coast Guard (i.e., Documented). See Section 3.3 (Page 16) for details.

8. REFERENCES

8.1 Species

Most prevalent species in and around the subject waters of this application:

BOVA Code	Status*	Tier**	Common Name	Scientific Name
50021	FESE	II	Bat, gray	Myotis grisescens
40038		II	Bittern, American	Botaurus lentiginosus
40037		III	Bittern, least	Ixobrychus exilis exilis
40046		III	Brant	Branta bernicla brota
40052		II	Duck, American black	Anas rubripes
40093	FSST	II	Eagle, bald	Haliaeetus leucocephalus
40094		III	Harrier, northern	Circus cyaneus
40029		II	Heron, little blue	Egretta caerulea caerulea
40034		III	Heron, tricolored	Egretta tricolor
40110		I	Rail, black	Laterallus jamaicensis
40105		II	Rail, king	Rallus elegans
40129	ST	I	Sandpiper, upland	Bartramia longicauda
40225		I	Sapsucker, yellow-bellied	Sphyrapicus varius
40293	ST	I	Shrike, loggerhead	Lanius ludovicianus
40292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans
40379	ST	I	Sparrow, Henslow's	Ammodramus henslowii
10032		II	Sturgeon, Atlantic	Acipenser oxyrinchus
40186		II	Tern, least	Sterna antillarum
40187		II	Tern, royal	Sterna maxima maximus
30067	CC	II	Terrapin, northern diamond-backed	Malaclemys terrapin terrapin
30068		III	Turtle, eastern box	Terrapene carolina carolina
30063	CC	III	Turtle, spotted	Clemmys guttata
40319		I	Warbler, black-throated green	Dendroica virens
40320		II	Warbler, cerulean	Dendroica cerulea
40266		II	Wren, winter	Troglodytes troglodytes

* FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; FS=Federal Species of Concern; SC=State Candidate; CC=Collection Concern; SS=State Special Concern

** I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier IV - Moderate Conservation Need

A complete species list is available by search at the DGIF website: http://vafwis.org/fwis/?Menu=Home.__By+Place%20Name

8.2 Public Support

WATER BODY	NDZ Interest (Written letter of support / request unless otherwise noted)		
	Government	Marina Owner	Citizen
All proposed NDZ water bodies in Westmoreland County	Virginia Department of Conservation and Recreation		
All proposed NDZ water bodies in Westmoreland County Request to extend all boundaries to state line or, at a minimum, to the mouths of the Lower Machodoc, Nomini Creek			A.J. Erskine of Bevans Oyster Company and Cowart Seafood Corporation
All proposed NDZ water bodies in Westmoreland County			Chris Moore of The Chesapeake Bay Foundation(CBF). CBF has approximately 80,600 members in Virginia
All proposed NDZ water bodies in Westmoreland County			Denise Mosca

8.3 Marine Sanitation Device (MSD) Standard

40 CFR §140.4(a)

TITLE 40 - PROTECTION OF ENVIRONMENT

CHAPTER I - ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D - WATER PROGRAMS

PART 140 - MARINE SANITATION DEVICE STANDARD

140.4 - Complete prohibition.

(a) Prohibition pursuant to CWA section 312(f)(3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f)(3) of the Act. Upon receipt of an application under section 312(f)(3) of the Act, the Administrator will determine within 90 days whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels using such waters are reasonably available. Applications made by States pursuant to section 312(f)(3) of the Act shall include: (1) A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard; (2) A map showing the location of commercial and recreational pump-out facilities; (3) A description of the location of pump-out facilities within waters

designated for no discharge; (4) The general schedule of operating hours of the pump-out facilities; (5) The draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility; (6) Information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and (7) Information on vessel population and vessel usage of the subject waters.

(b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularity the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application.

(1) For the following waters the discharge from a vessel of any sewage (whether treated or not) is completely prohibited pursuant to CWA section 312(f)(4)(A): (i) Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, as described in 16 U.S.C. 577577d1.

(ii) Waters of the State of Florida within the boundaries of the Florida Keys National Marine Sanctuary as delineated on a map of the Sanctuary at <http://www.fknms.nos.noaa.gov/>.

(c)(1) Prohibition pursuant to CWA section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection Agency under section 312(f)(4)(B) of the Act for the issuance of a regulation establishing a drinking water intake no discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall: (i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow; (ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent; (iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f)(4)(B): (i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the

second of which is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6 NYCRR Part 858.4.

(ii) [Reserved] [41 FR 4453, Jan. 29, 1976, as amended at 42 FR 43837, Aug. 31, 1977; 60 FR 63945, Dec. 13, 1995; 63 FR 1320, Jan. 8, 1998; 67 FR 35743, May 21, 2002]

Source: <http://cfr.vlex.com/vid/140-4-complete-prohibition-19813573>

8.4 Virginia House Bill 1943

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § [62.1-44.33](#) of the Code of Virginia, relating to no discharge zones.

[H 1943]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § [62.1-44.33](#) of the Code of Virginia is amended and reenacted as follows:

§ [62.1-44.33](#). Board to adopt regulations; tidal waters no discharge zones.

A. The State Water Control Board is empowered and directed to adopt all necessary regulations for the purpose of controlling the discharge of sewage and other wastes from both documented and undocumented boats and vessels on all navigable and nonnavigable waters within this Commonwealth. No such regulation shall impose restrictions that are more restrictive than the regulations applicable under federal law; provided, however, the Board may adopt such regulations as are reasonably necessary with respect to: (i) vessels regularly berthed in marinas or other places where vessels are moored, in order to limit or avoid the closing of shellfish grounds; and (ii) no discharge zones. Documented and undocumented boats and vessels are prohibited from discharging into the Chesapeake Bay and the tidal portions of its tributaries sewage that has not been treated by a Coast Guard-approved Marine Sanitation Device (MSD Type 1 or Type 2); however, the discharge of treated or untreated sewage by such boats and vessels is prohibited in areas that have been designated as no discharge zones by the United States Environmental Protection Agency. *Any discharges, as defined in 9 VAC-[25-71-10](#) that are incidental to the normal operation of a vessel shall not constitute a violation of this section.*

B. The tidal creeks of the Commonwealth are hereby established as no discharge zones for the discharge of sewage and other wastes from documented and undocumented boats and vessels. *Criteria for the establishment of no discharge zones shall be premised on the improvement of impaired tidal creeks. Nothing in this section shall be construed to discourage the proper use of Type 1 and Type 2 Marine Sanitation Devices, as defined under 33 U.S.C. § 1332 in authorized areas other than properly designated no discharge zones.* The Board shall adopt regulations for designated no discharge zones requiring (i) boats and vessels without installed toilets to dispose of any collected sewage from portable toilets or other containment devices at marina facilities approved by the Department of Health for collection of sewage wastes, or otherwise dispose of sewage in a manner that complies with state law; (ii) all boats and vessels with installed toilets to have a marine sanitation device to allow sewage holding capacity unless the toilets are rendered inoperable; (iii) all houseboats having installed toilets to have a holding tank with the capability of collecting and holding sewage and disposing of collected sewage at a pump-out facility; if the houseboats lack such tank ~~with such capability, the toilet must be removed~~ *then the marine sanitation device shall comply with clause (iv);* (iv) y-valves, macerator pump valves, discharge conveyances or any other through-hull fitting valves capable of allowing a discharge of sewage from marine sanitation devices ~~to be secured in the closed position by a device that is not readily removable, including, but not limited to, a numbered container seal such that through-hull sewage is rendered inoperable~~ *shall be secured in the closed position while in a no discharge zone by use of a padlock, nonreleasable wire tie, or removal of the y-valve handle. The method chosen shall present a physical barrier to the use of the y-valve or toilet;* and (v) every owner or operator of a marina within a designated no discharge zone to notify boat patrons leasing slips of the sewage discharge restriction in the no discharge zone. As a minimum, notification shall consist of no discharge zone information in the slip rental contract and a sign indicating the area is a designated no discharge zone.

In formulating regulations pursuant to this section, the Board shall consult with the State Department of Health, the Department of Game and Inland Fisheries and the Marine Resources Commission for the purpose of coordinating such regulations with the activities of such agencies.

For purposes of this section, "no discharge zone" means an area where the Commonwealth has received an affirmative determination from the U.S. Environmental Protection Agency that there are adequate facilities for the removal of sewage from vessels (holding tank pump-out facilities) in accordance with 33 U.S.C. § 1322(f)(3), and where federal approval has been received allowing a complete prohibition of all treated or untreated discharges of sewage from all vessels.

C. Violation of such regulations and violations of the prohibitions created by this section on the discharge of treated and untreated sewage from documented and undocumented boats and vessels shall, upon conviction, be a Class 1 misdemeanor. Every law-enforcement officer of this Commonwealth and its subdivisions shall have the authority to enforce the regulations adopted under the provisions of this section and to enforce the prohibitions on the discharge of treated and untreated sewage created by this section.

8.5 Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings

Virginia Administrative Code, CHAPTER 570, Part I, Introduction, Article 1

12VAC5-570-10. Definitions.

As used in this chapter, the words and terms hereinafter set forth shall have the following meanings respectively, unless the context clearly requires a different meaning.

"Board" means the State Board of Health.

"Boat" means any vessel or other watercraft, privately owned or owned by the Commonwealth or any political subdivision thereof, whether moved by oars, paddles, sails or other power mechanism, inboard or outboard, or any other vessel or structure floating on water in the Commonwealth of Virginia, whether or not capable of self-locomotion, including but not limited to cruisers, cabin cruisers, runabouts, houseboats and barges. Excluded from this definition are commercial, passenger and cargo carrying vessels subject to the Quarantine Regulation of the United States Public Health Service adopted pursuant to Title 42 of the United States Code and ships or vessels of the U.S. Government and boats which are tenders to larger boats moored or stored at the same facility.

"Certificate" means a written approval from the Commissioner or his designated representative indicating that plans for sanitary facilities and sewage facilities meet or satisfy the minimum requirements of this chapter and § 32.1-246 of the Code of Virginia.

"Commissioner" means the State Health Commissioner whose duties are prescribed in § 32.1-19 of the Code of Virginia.

"Division" means the Division of Wastewater Engineering, Department of Health.

"Dry storage" means a boat storage or parking space, whether covered or uncovered, at a marina or other place where boats are moored for the purpose of storing boats on land between use.

"Marina" means any installation, operating under public or private ownership, which provides dockage or moorage for boats (exclusive of paddle or rowboats) and provides, through sale, rental or fee basis, any equipment, supply or service (fuel, electricity or water) for the convenience of the public or its leasee, renters or users of its facilities.

"Marine sanitation device" means any equipment, piping and appurtenances such as holding tanks for installation on board a boat which is designed to receive, retain, treat or discharge sewage and any process to treat such sewage.

"Other places where boats are moored" means any installation operating under public or private ownership, which provides dockage, moorage or mooring for boats (exclusive of paddle or rowboats) either on a free, rental or fee basis or for the convenience of the public.

"Owner" means the Commonwealth or any of its political subdivisions and any public or private institution, corporation, association, firm or company organized or existing under the laws of this or any other state or county, or any person or group of persons acting individually or as a group who owns a marina or other place where boats are moored.

"Pump-out facilities" means any device, equipment or method of removing sewage from a marine sanitation device. Also, it shall include any holding tanks either portable, movable or permanently installed, and any sewage treatment method or disposable equipment used to treat, or ultimately dispose of, sewage removed from boats.

"Sanitary facilities" means bathrooms, toilets, closets and other enclosures where commodes, stools, water closets, lavatories, showers, urinals, sinks or other such plumbing fixtures are installed.

"Seasonal slips" means any slip which is used, rented, leased or otherwise made available for mooring or docking of boats during the normal boating season, usually from April through September, or for any period greater than 30 days.

"Sewage" means the spent water or wastewater containing human excrement coming from toilets, bathrooms, commodes and holding tanks.

"Sewage treatment or disposal systems" means device, process or plant designed to treat sewage and remove solids and other objectionable constituents which will permit the discharge to another approved system, or an approved discharge to state waters or disposal through an approved subsurface drainfield or other acceptable method, such as incineration.

"Sewerage facilities" means entire sewage collection and disposal system including commodes, toilets, lavatories, showers, sinks and all other plumbing fixtures which are connected to a collection system consisting of sewer pipe, conduit, holding tanks, pumps and all appurtenances, including the sewage treatment or disposal system.

"Transient slips" means temporary docking or mooring space which may be used for short periods of time, including overnight, days, or weeks, but less than 30 days.

Statutory Authority: §§ 32.1-12 and 32.1-246 of the Code of Virginia.

Historical Notes: Derived from VR355-17-01 § 1.1, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990.

Source: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+12VAC5-570-10>

*Article 2 - General Information
12VAC5-570-20. Authority for regulations.*

Section 32.1-12 and 32.1-246 of the Code of Virginia provides that the State Board of Health is empowered and directed to promulgate all necessary rules and regulations establishing minimum requirements as to adequacy of sewerage facilities at marinas and other places where boats are moored. These facilities should be sufficient to serve the number of boat slips or persons such marinas and places are designed to accommodate, regardless of whether such establishments serve food.

Statutory Authority: §§ 32.1-12 and 32.1-246 of the Code of Virginia.

Historical Notes: Derived from VR355-17-01 § 1.2, eff. September 1, 1987; amended, Virginia Register Volume 6, Issue 24, eff. October 1, 1990.

Source: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+12VAC5-570-20>

8.6 Additional References and Sources

Navigation Charts

<http://www.charts.noaa.gov/OnLineViewer/AtlanticCoastViewerTable.shtml>

Center for Coastal Resources Management

<http://ccrm.vims.edu/gisdatabases.html>

Environmental Protection Agency (EPA)

Protecting Coastal Waters from Vessel and Marina Discharges:

A Guide for State and Local Officials. Volume I

Establishing No Discharge Areas under section 312 of the Clean Water Act

August 1994 (includes the *Boater Sanitary Waste Reception Facility Requirements Worksheet*):

<http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockkey=P1007NAG.txt>

Clean Water Act Section 312. November 27, 2002

Code of Federal Regulations Title 40: Protection of the Environment

Part 140: Marine Sanitation Device Standard

No Discharge Zones: How They Work

http://www.epa.gov/owow/oceans/regulatory/vessel_sewage/vsdarticle.html

Virginia Department of Environmental Quality (DEQ)

Water Quality Monitoring
<http://www.deq.virginia.gov/watermonitoring>

Impaired Waters: 2008 Dissolved Oxygen Impairments
http://www.deq.virginia.gov/wqa/pdf/2008ir/maps/Impairments_2008_DO.pdf

Impaired Waters: Dissolved Oxygen Standards for the Chesapeake Bay and Tributaries
<http://www.deq.virginia.gov/wqs/homepage.html> (See pp. 44-45)

Impaired Water Search Form (All impaired waters by stream segment):
<http://gisweb.deq.virginia.gov/FactSheets2008/Choose.aspx>

What's in My Backyard?
http://www.deq.virginia.gov/mapper_ext/default.aspx?service=publicMaps/Whats_in_my_backyard

Virginia Water Quality Assessment 305(b)/303(d) Integrated Report, August 2006

Total Maximum Daily Loads (TMDLs): A TMDL Study identifies sources of pollution and reductions needed from the identified pollutants to attain water quality standards. Pollution from both point sources (such as residential, municipal, or industrial discharges) and non-point sources (such as residential, urban, or agricultural runoff) are included in a TMDL study.

TMDLs in Virginia:
<http://www.deq.virginia.gov/tmdl/homepage.html>
<https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.jspx>

For creeks that have not been approved yet:
<https://www.deq.virginia.gov/TMDLDataSearch/DraftReports.jspx>

To search for other creeks:
<http://www.deq.state.va.us/tmdl/develop.html>

Virginia Environmental Geographic Information Systems: It Provides various interactive mapping layers covering aquatic life, fish consumption, public water supply, recreation use, shellfish use, wildlife use, citizen monitoring, and "what's in my backyard."
http://www.deq.virginia.gov/mapper_ext/index.html

Virginia Department of Game and Inland Fisheries (VDGIF)

2007 Boater Registration Data

Species: http://vafwis.org/fwis/?Menu=Home.__By+Place%20Name

Virginia Department of Health (VDH)

Marina Inspection Forms for 2007
Office of Environmental Health Services

Boat Holding Tank Pump-out Facilities in Virginia – 2007, pp. 9-11
Division of Wastewater Engineering, Marina Program

Shellfish Closures – Regional Map
<http://www.vdh.virginia.gov/EnvironmentalHealth/Shellfish/closureSurvey/index.htm>

Pumpout Data
<http://www.vdh.virginia.gov/EnvironmentalHealth/Wastewater/MARINA/pumpoutdata/county>

Virginia Department of Natural Resources

Chesapeake Bay and Virginia Waters Clean-up Plan. February 2007

U.S. Coast Guard

U.S. Coast Guard Station St. Inigoes
P.O. Box 8
St. Inigoes, Maryland 20684-0008
(301) 872-4345 Voice
(301) 872-4060 Fax
www.uscg.mil/d5/stastinigoes/

Nautical Mile = 1.1508 Land Mile

8.7 Virginia Department of Health Certificate for Mooring Facility

Commonwealth of Virginia

DEPARTMENT OF HEALTH



CERTIFICATE
NUMBER 187

Certificate to Operate

A MARINA/OTHER PLACE BOAT MOORING FACILITY

Trina Sobotka is hereby granted a Certificate to Operate a Marina or Other Place Boat Mooring Facility having a maximum capacity of not more than (134) seasonal slips, (23) transient slips, and (57) dry storage spaces located on the Potomac River in Westmoreland County of Virginia. This Certificate is issued with the understanding that the establishment will be operated in accordance with the provisions of the *Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings*, the requirements as listed in Attachment A of this Certificate and with any variance or exemption noted below.

Variances and/or Exemptions Granted ☒ None ☐ See Attached

Facility Name: Coles Point Plantation

Date Issued: June 2, 2011

Expiration Date: June 30, 2015

Boston S. Small
Marina Program Manager

W. S. Small
Director, Division of Onsite Sewage and Water Services,
Environmental Engineering and Marina Programs

Commonwealth of Virginia

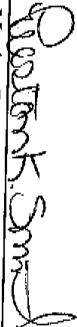

DEPARTMENT OF HEALTH

CERTIFICATE
NUMBER 1087

Certificate to Operate

A MARINA/OTHER PLACE BOAT MOORING FACILITY

Martin Miller is hereby granted a Certificate to Operate a Marina or Other Place Boat Mooring Facility having a maximum capacity of not more than (73) seasonal slips, (27) transient slips, and (46) dry storage spaces located on W. Yeocomico in Westmoreland County of Virginia. This Certificate is issued with the understanding that the establishment will be operated in accordance with the provisions of the *Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings*, the requirements as listed in Attachment A of this Certificate and with any variance or exemption noted below.

Variances and/or Exemptions Granted ☒ None ☐ See AttachedFacility Name: Port Kinsale MarinaDate Issued: June 2, 2011Expiration Date: June 30, 2015
Robert K. Smith
Marina Program Manager
Director, Division of Onsite Sewage and Water Services,
Environmental Engineering and Marina Programs

Commonwealth of Virginia

DEPARTMENT OF HEALTH

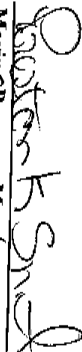
CERTIFICATE
NUMBER 398

Certificate to Operate

A MARINA/OTHER PLACE BOAT MOORING FACILITY

Kyle Schick is hereby granted a Certificate to Operate a Marina or Other Place Boat Mooring Facility having a maximum capacity of not more than (161) seasonal slips, (5) transient slips, and (31) dry storage spaces located on the Montre Creek in Westmoreland County of Virginia. This Certificate is issued with the understanding that the establishment will be operated in accordance with the provisions of the *Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings*, the requirements as listed in Attachment A of this Certificate and with any variance or exemption noted below.

Variances and/or Exemptions Granted ☒ None ☐ See AttachedFacility Name: Colonial Beach Yacht Center, Inc.Date Issued: June 2, 2011Expiration Date: June 30, 2015


Marina Program Manager


Director, Division of Onsite Sewage and Water Services,
Environmental Engineering and Marina Programs

Commonwealth of Virginia

DEPARTMENT OF HEALTH

CERTIFICATE
NUMBER 1036

Certificate to Operate

A MARINA/OTHER PLACE BOAT MOORING FACILITY

Gary Stepps is hereby granted a Certificate to Operate a Marina or Other Place Boat Mooring Facility having a maximum capacity of not more than (144) seasonal slips, and (33) dry storage spaces located on the Mattox Creek in Westmoreland County of Virginia. This Certificate is issued with the understanding that the establishment will be operated in accordance with the provisions of the *Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings*, the requirements as listed in Attachment A of this Certificate and with any variance or exemption noted below.

Variances and/or Exemptions Granted ☒ None ☐ See AttachedFacility Name: Harbor View MarinaDate Issued: June 2, 2011Expiration Date: June 30, 2015Robert S. Smith
Marina Program ManagerW. Stepps
Director, Division of Onsite Sewage and Water Services,
Environmental Engineering and Marina Programs

Commonwealth of Virginia

DEPARTMENT OF HEALTH



CERTIFICATE
NUMBER 1759

Certificate to Operate

A MARINA/OTHER PLACE BOAT MOORING FACILITY

L.L. Curley, Jr. is hereby granted a Certificate to Operate a Marina or Other Place Boat Mooring Facility having a maximum capacity of not more than (99) seasonal slips located on the Monroe Bay in Westmoreland County of Virginia. This Certificate is issued with the understanding that the establishment will be operated in accordance with the provisions of the *Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings*, the requirements as listed in Attachment A of this Certificate and with any variance or exemption noted below.

Variances and/or Exemptions Granted ☒ None ☐ See Attached

Facility Name: Monroe Bay Marina

Date Issued: June 2, 2011

Expiration Date: June 30, 2015

Robert S. S. S.
Marina Program Manager

William S. S. S.
Director, Division of Onsite Sewage and Water Services,
Environmental Engineering and Marina Programs

Commonwealth of Virginia

DEPARTMENT OF HEALTH



CERTIFICATE
NUMBER 1083

Certificate to Operate

A MARINA/OTHER PLACE BOAT MOORING FACILITY


R.H. Redearn, Jr. is hereby granted a Certificate to Operate a Marina or Other Place Boat Mooring Facility having a maximum capacity of not more than (45) seasonal slips, (8) dry storage spaces, and (9) transient slips located on the N.W. Yecomico in Westmoreland County of Virginia. This Certificate is issued with the understanding that the establishment will be operated in accordance with the provisions of the Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings, the requirements as listed in Attachment A of this Certificate and with any variance or exemption noted below.

Variances and/or Exemptions Granted ☒ None ☐ See Attached

Facility Name: White Point Marina

Date Issued: June 2, 2011

Expiration Date: June 30, 2015


Marlene P. Program Manager


Director, Division of Onsite Sewage and Water Services,
Environmental Engineering and Marina Programs

9. PUBLIC MEETING

9.1 Public Meeting & Comments

The public meeting for Westmoreland County's No Discharge Zone application took place on June 14th, 2011, at 6 p.m., at the A. T. Johnson Alumni Museum, 18849 Kings Highway, Montross, Virginia. The comment period commenced the following day and ended on July 14th, 2011. All comments received follow below.